

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RECEIVED

2008 FEB 12 P 3:03

Richard Marshall,

Plaintiff,

vs.

Chris West; Lashun Hutson,

Defendants.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

2:06-701-ID

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND  
BRIEF IN SUPPORT THEREOF**

COMES NOW the defendant, Lashun Hutson, and moves the Court for summary judgment as to each of Plaintiff's claims pursuant to Rule 56 of the Federal Rules of Civil Procedure.

Defendant supports his motion for summary judgment with the following:

1. Pleadings;
2. Argument in support of Defendant's motion for summary judgment;
3. Deposition of Richard Marshall, attached hereto as Exhibit 1;
4. Deposition of Chris West, attached hereto as Exhibit 2;
5. Deposition of Lashun Hutson, attached hereto as Exhibit 3;
6. Deposition of Kelvin Carmichael, attached hereto as Exhibit 4;
7. Photographs taken following stop, attached hereto as Exhibit 5;
8. Inter-Agency Agreement, attached hereto as Exhibit 6;
9. Alabama Department of Economic and Community Affairs, attached hereto as Exhibit 7.

**NARRATIVE SUMMARY OF UNDISPUTED FACTS**

Defendants Chris West and Lashun Hutson are members of the 2<sup>nd</sup> Judicial Drug Task Force, a federally funded, multi-jurisdictional law enforcement group with the specific task of drug investigation and interdiction in Lowndes County. (Exhibit 2, p. 6, ll. 20-23). Lieutenant Chris West is the commander of the Drug Task Force. (Exhibit 2, p. 6, line 10). At the time of the incident made the basis of Plaintiff's Complaint, Lashun Hutson was both a police officer with the Town of Hayneville and a member of the Drug Task Force. (Exhibit 3, p. 5, ll. 15-20). Using federal grant funds, the Town of Hayneville, as well as other municipalities, sends one officer to the Drug Task Force. (Exhibit 2, p. 7, ll. 5-17). Upon selection for the task force, the employee no longer works for the municipality or takes orders from the police chief of the municipality. The employee is simply paid by the municipality and is an employee of the Drug Task Force. (Exhibit 2, p. 7 ll. 1-23, p. 8 ll. 1-23).

Members of the 2<sup>nd</sup> Judicial Drug Task Force, including Chris West and Lashun Hutson, are responsible for drug investigations in Lowndes County. On June 28, 2005, Chris West received information that the Plaintiff, Richard Marshall, was selling illegal drugs at his residence in Lowndes County. (Exhibit 2, p. 14, ll. 1-4). Chris West and Lashun Hutson went to Mr. Marshall's house to find that he was not present, and the officers left. (Exhibit 2, p. 16, ll. 2-16). The two were riding in an unmarked Lincoln Town Car used by the Drug Task Force. (Exhibit 2, p. 13, ll. 1-21). Chris West was driving and Lashun Hutson was the passenger. (Exhibit 2, p. 12, ll. 12-23)<sup>1</sup>. As the officers drove back toward Hayneville, they came upon Richard Marshall as he was driving down

---

<sup>1</sup>The Plaintiff's complaint actually states that Lashun Hutson was driving, but this is incorrect.

the road. (Exhibit 2, p. 19, ll. 1-18).

Chris West pulled behind the Plaintiff's Chevrolet Nova and noticed that Mr. Marshall was not wearing his seat belt. (Exhibit 2, p.19, ll. 20-23). Plaintiff admits that neither he nor his cousin were wearing a seat belt. (Exhibit 1, p. 28, ll. 20-23, p. 29, ll. 1-2). Lieutenant West activated the portable blue police light in his vehicle and placed in onto the dashboard, but Mr. Marshall did not stop his vehicle. (Exhibit 2, p. 20, ll. 1-7). During a short chase, Chris West positioned the Lincoln Town Car directly behind the Plaintiff's 1976 Nova. Chris West then pulled alongside parallel to Richard Marshall's automobile and Lashun Hutson removed the flashing light off of the dash and held it up to the window along with his badge. (Exhibit 2,p. 21, ll. 19-23, p. 22, ll. 1-23). Richard Marshall responded by saying "fuck you" and kept driving, toward Wilcox County. (Id; p. 24, ll. 11-12.). Chris West and Lashun Hutson attempted this maneuver once more, again unsuccessful. (Exhibit 2, p. 24, ll. 11-23). At that point, Chris West implemented a precision intervention technique, or "PIT" maneuver by placing his Lincoln Town Car's bumper directly against the Nova's bumper and spinning the Nova out of control. (Exhibit 2, p. 29, ll. 3-21). This maneuver was successful and the Nova came to rest off the road. (Exhibit 2, p. 30, ll. 2-4). At that point, Chris West and Lashun Hutson exited their vehicle and pointed their weapons directly at the passengers in the Nova. (Exhibit 2, p. 30, ll. 18-23). Riding in the Nova was the Plaintiff, Richard Marshall, and his cousin, Kelvin Carmichael. The cousin remained still. (Exhibit 2, p. 31, ll. 18-23). Richard Marshall exited the car and stood up and began to wave his arms and shout at the officers. (Exhibit 2, p. 32, ll. 8-21). Richard Marshall would not comply with Chris West's commands that he get on the ground, and Chris West fired a warning shot. (Id.). This startled Richard Marshall and he froze. (Exhibit 2, p. 32, ll. 22-23, p. 33, ll. 1-7). The officers were then able to take Richard Marshall away

from the Nova and put him on the ground. (Id.).

After the Plaintiff and his cousin were removed from the car, the officers looked into the Nova, where a loaded .357 magnum was discovered on the driver's seat in the automobile. (Exhibit 2, p. 33, ll. 15-22; Exhibit 5). There were also a number of .357 rounds in the ashtray, the floorboard, and the seat. (Id.; Exhibit 5).

After this incident, Chris West filed charges against Richard Marshall, for possession of a controlled substance and carrying a pistol without a permit. (Exhibit 1, p. 138, ll. 10-13). Lashun Hutson did not have any involvement whatsoever in prosecuting Richard Marshall. (Exhibit 3, p. 36, ll. 11-20).

On August 8, 2006, Richard Marshall filed suit in the U.S. District Court for the Middle District of Alabama. (Complaint). The causes of action in the complaint were violation of Fourth Amendment proscriptions against unreasonable searches and unreasonable and excessive force. The complaint also contained causes of action for assault and battery and conversion. Upon the motion of the defendant Chris West, this Court dismissed the state law claims. (Doc 12). On May 29, 2007, the Plaintiff filed an amended complaint. (Doc 16). The causes of action currently pending before the Court are a Fourth Amendment False Arrest/False Imprisonment claim, a Fourth Amendment Unreasonable and Excessive Force claim, a Fourth Amendment Unlawful Search and Seizure, and a Malicious Prosecution claim under state law.

Defendant Lashun Hutson now moves for summary judgment as to each of Plaintiff's claims, as there are no genuine issues of material fact and this Defendant is entitled to judgment as a matter of law. This defendant also adopts any and all arguments made by Chris West.



**SUMMARY JUDGMENT STANDARD**

Summary judgment must be entered on a claim if it is shown “that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c). On a motion for summary judgment, although the Court is to construe the evidence and factual inferences arising from it in the light most favorable to the nonmoving party, *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 157 (1970), “the plain language of Rule 56(c) mandates the entry of summary judgment ... against a party that fails to make a showing sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986). Furthermore, “there is no issue for trial unless there is sufficient evidence favoring the nonmoving party for a jury to return a verdict for that party. If the evidence is merely colorable or is not significantly probative, summary judgment may be granted.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249-50 (1986).

## ARGUMENT

### **I. PLAINTIFF'S FOURTH AMENDMENT EXCESSIVE FORCE, FALSE ARREST, AND UNREASONABLE SEARCH AND SEIZURE CLAIMS ARE DUE TO BE DISMISSED AS THERE WAS ARGUABLE PROBABLE CAUSE FOR THE STOP AND ARREST AND LASHUN HUTSON IS ENTITLED TO IMMUNITY**

#### **A. Fourth Amendment Law**

The United States Supreme Court has stated that “all claims that law enforcement officers have used excessive force – deadly or not – in the course of an arrest, investigatory stop, or other ‘seizure’ of a free citizen should be analyzed under the Fourth Amendment and its “reasonableness standard.” *Graham v. Connor*, 490 U.S. 386, 395, (1989). The reasonableness inquiry is an objective test. The question is whether the officer’s actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham*, 490 U.S. at 397. The reasonableness test under the Fourth Amendment is not capable of precise definition, therefore, its application requires careful attention to the facts and circumstances of each case. *Graham*, 490 U.S. at 396. Reasonableness is judged:

from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight.... With respect to a claim of excessive force ... not every push or shove, even if it may later seem unnecessary in the peace of a judge’s chambers, ... violates the Fourth Amendment. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances – that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.

*Graham*, 490 U.S. at 396-97 (internal citations omitted).

The right to make an arrest, seizure, or investigatory stop necessarily carries with it the right

to use some degree of physical coercion or threat thereof to effect. *Id.* Painful handcuffing, by itself, is not excessive force in cases where the resulting injuries are minimal. *Rodriguez v. Farrell*, 280 F. 3d 1341, 1352 (11th Cir. 2002).

## **B. Qualified Immunity Law**

The federal constitutional claims against Officer Hutson must be dismissed as the officer is clearly entitled to immunity. “Qualified immunity offers complete protection for government officials sued in their individual capacities if their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” *Vinyard v. Wilson*, 311 F. 3d 1340, 1346 (11th Cir. 2002) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 102 S.Ct. 2727, 73 L.Ed. 2d 396 (1982)). In effect, qualified immunity “allow[s] government officials to carry out their discretionary duties without the fear of personal liability or harassing litigation, protecting from suit all but the plainly incompetent or one who is knowingly violating the federal law.” *Id.* Qualified immunity offers complete protection for government officials sued in their individual capacities if their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known. *Vinyard v. Wilson*, 311 F. 3d 1340, 1346 (11th Cir. 2002) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 102 S.Ct. 2727, 73 L.Ed. 2d 396 (1982)). In effect, qualified immunity “allow[s] government officials to carry out their discretionary duties without the fear of personal liability or harassing litigation, protecting from suit all but the plainly incompetent or one who is knowingly violating the federal law.” *Id.* The analysis of qualified immunity is undertaken utilizing a two-part analysis set forth by the United States Supreme Court. Under the analysis, the threshold inquiry a court must undertake is whether the plaintiff’s allegations, if true, establish a constitutional violation. *Hope v. Pelzer*, 536 U.S. 730, 736, 122 S.Ct.

2508, 153 L.Ed. 2d 666 (2002). If a constitutional right would have been violated under the plaintiff's version of the facts, "the 'next, sequential step is to ask whether the right was clearly established.'" *Saucier v. Katz*, U.S. 194, 201, 121 S.Ct. 2151, 150 L.Ed. 2d 272 (2001).

Furthermore, there is no bright-line rule for identifying force as excessive. *Graham, supra* at 396. Therefore, unless a controlling and factually similar case declares the official's conduct unconstitutional, an excessive force plaintiff can overcome qualified immunity only by showing that the official's conduct lies so obviously at the very core of what the Fourth Amendment prohibits that the unlawfulness of the conduct was readily apparent to the official, notwithstanding the lack of caselaw. *Smith v. Mattox*, 127 F. 3d 1416, 1419 (11th Cir. 1997) (citations omitted).

### **C. Lashun Hutson did not violate the Fourth Amendment**

The undisputed material facts do not show that the defendant's actions were objectively unreasonable under the Fourth Amendment, or so unreasonable that an officer faced with these officers' situation would have inevitably believed the force used was unlawful. Here, the officers were dealing with a known drug dealer who had a history of violence. In fact, their beliefs were proven correct when they found a loaded .357 Magnum in Plaintiff's car following the stop. (Exhibit 2, p. 33, ll. 15-22; Exhibit 5). Prior to the stop, Chris West, co-defendant, received information that Plaintiff was selling illegal drugs at his residence in Lowndes County. (Exhibit 2, p. 14, ll. 1-4). West and Hutson went to Plaintiff's house to find him, but he was not present. (Exhibit 2, p. 16, ll. 2-16). As the two officers were riding in an unmarked Lincoln Town Car, they came upon Plaintiff. (Exhibit 2, p. 19, ll. 1-18). The officers discovered that Plaintiff was not wearing a seatbelt, in violation of Alabama law, and attempted to make a stop. (Exhibit 2, p. 19, ll. 20-23). Plaintiff confirms that the officers had probable cause to make the stop because he admits that neither he nor

his cousin were wearing a seatbelt at the time of the stop. (Exhibit 1, p. 28, ll. 20-23, p. 29, ll. 1-2).

Lieutenant West activated the blue police light in the vehicle and placed it onto the dash. (Exhibit 2, p. 20, ll. 1-7). However, Plaintiff did not stop his automobile. During the short chase, Chris West positioned the Lincoln Town Car directly beside Plaintiff's automobile. At this position, Lashun Hutson removed the flashing light off the dash and held it up to the window along with his badge. Plaintiff responded by saying "fuck you" and kept driving toward Wilcox County. (Id; p. 24, ll. 11-12). After two attempts to stop Plaintiff, Officer West implemented a precision intervention technique by placing the Lincoln Town Car's bumper directly against Plaintiff's automobile's bumper and spinning Plaintiff's automobile out of control. (Exhibit 2, p. 29, ll. 3-21). Chris West and Lashun Hutson exited the vehicle and pointed their weapons directly at the passengers in the Nova, based on the information that Plaintiff was a drug dealer and was possibly armed. (Exhibit 2, p. 30, ll. 18-23). Plaintiff exited his automobile and stood up, approximately two feet from a loaded .357 Magnum, and would not comply with Chris West's commands that he get on the ground. (Exhibit 2, p. 32, ll. 8-21) Accordingly, Chris West fired a warning shot. (Id.). This startled Plaintiff and the officers were able to gain control over him.(Id.)

As noted above, the reasonableness inquiry is an objective test. The question is whether the officers' actions were objectively reasonable in light of the facts and the circumstances confronting them, without regard to their underlying intent or motivation. Here, any officer faced with the same circumstance, i.e. having credible information that Plaintiff was a drug dealer and seeing him without a seatbelt, would or should have performed a traffic stop. When Plaintiff blatantly ignored the attempts to stop his vehicle, Chris West performed the correct technique. This Defendant, Lashun Hudson's only actions in this case were to hold up a flashing light and a badge, and draw his weapon

after Plaintiff's automobile came to a rest. Based on the knowledge the Plaintiff had violence tendencies, Lashun Hutson drew his weapon in an attempt to subdue Plaintiff. When Plaintiff exited his automobile, he was two feet away from a loaded .357 Magnum. Prophetically, Lashun Hutson drew his weapon and was able to subdue Plaintiff.

There are no genuine issues of material fact and Lashun Hutson is entitled to a judgment as a matter of law. His actions were objectively reasonable under the Fourth Amendment and summary judgment is due to be entered in favor of Lashun Hudson.

**D. Lashun Hutson is entitled to Qualified Immunity**

Lashun Hutson is also entitled to qualified immunity as to Plaintiff's Fourth Amendment false arrest and unlawful seizure claims. In the context of an alleged Fourth Amendment violation, qualified immunity applies whenever there was arguable probable cause for a search or seizure, even if actual probable cause did not exist. *Jones v. Cannon*, 174 F. 3d. 1271, 1285 n. 3 (11th Cir. 1999). Arguable probable cause, not the higher standard of actual probable cause, governs the qualified immunity analysis. Arguable probable cause exists if, under all the facts and circumstances, an officer reasonably could - - not necessarily would - - have believed that probable cause was present. *Durruthy v. Pastor*, 351 F. 3d. 1080, 1089 (11th Cir. 2003). Thus, "even law enforcement officials who reasonably but mistakenly conclude that probable cause is present are entitled to immunity." *Hunter v. Bryant*, 502 U.S. 224, 228 (1991).

In the present case, the seizure of Plaintiffs was legal under the Fourth Amendment. However, even if it could be argued that the officers did not have actual probable cause for the seizure, an officer may, consistent with the Fourth Amendment, effect such a seizure or an investigatory stop when the officer has reasonable, articulable suspicion that criminal activity is

afoot. *Illinois v. Wardlow*, 528 U.S. 119 (2000). As set out above, the officers saw, and the Plaintiff admits, that he was not wearing his seatbelt, a violation of Ala. Code (1975) § 32-5B-4. Thus, it is clear that Lashun Hutson and Chris West had at least arguable probable cause to effect a traffic stop. Further, Plaintiff failed to stop his vehicle when directed by the officers, instead cursing the officers and accelerating away. The officers clearly had reasonable suspicion that criminal activity was afoot, and probable cause to stop the Plaintiff.

Accordingly, Lashun Hutson is entitled to qualified immunity and is entitled to summary judgment on Plaintiff's Fourth Amendment claims.

## **II. LASHUN HUTSON IS ENTITLED TO ABSOLUTE IMMUNITY**

Under Ala. Const. of 1901, § 14, the State of Alabama has absolute immunity from lawsuits. This absolute immunity also extends to arms or agencies of the state, as well as sheriffs and other executive officers of the state, when the sheriffs or deputies are "acting within the line and scope of their employment." *Ex parte Sumter County*, 953 So. 2d 1235, 1239 (Ala. 2006). See, e.g., *Ex parte Blankenship*, 893 So. 2d 303, 305 (Ala. 2004) (a deputy sheriff who acts within the scope of his duties is protected from negligence and wantonness claims under § 14, Ala. Const. 1901); *Ex parte Purvis*, 689 So. 2d 794, 796 (Ala. 1996) (sheriffs and their deputies who act within the scope of their duties are "immune from suit under the provisions of Art. I, § 14, Alabama Constitution 1901"); *Tinney v. Shores*, 77 F. 3d 378, 383 (11<sup>th</sup> Cir. 1996) (reversing district court's failure to grant absolute immunity to sheriff and deputy and holding "the only exceptions to a sheriff's immunity from suit are actions brought to enjoin the sheriff's conduct.")

An agent with the Drug Task Force is an officer of the state. While the Drug Task Force is federally funded, and authorized by Public Law 104-208 at Title VI, Subtitle C, as amended, also

known as the Anti-Drug Act of 1988, the request for grant funds is made by the state itself. Alabama's program, pursuant to the Anti-Drug Act, is reviewed by the State Legislature's designated body, the Alabama Department of Economic and Community Affairs (ADECA) Law Enforcement and Traffic Safety Division (LETS division). Thus, the Drug Task Forces across the state are clearly an "arm or agency" of the State of Alabama, and entitled to the absolute immunity afforded the state as well. (See Alabama Department of Economic and Community Affairs, Exhibit 7, pp. ii, 13; 2<sup>nd</sup> Judicial Circuit Drug Task Force Inter-Agency Agreement, Exhibit 6).

At the time of this incident, Lashun Hutson was acting as a Drug Task Force officer. All of the events alleged to have occurred involving Lashun Hutson were in Hutson's capacity as a Drug Task Force agent, and it is undisputed that Hutson was acting within the line and scope of that employment. Accordingly, Lashun Hutson is also entitled to absolute immunity from Plaintiff's claims.

### **III. PLAINTIFF'S MALICIOUS PROSECUTION CLAIM FAILS AS A MATTER OF LAW**

Plaintiff also brings a malicious prosecution claim against Defendants. A Fourth Amendment malicious prosecution claim requires a plaintiff to prove "a violation of his Fourth Amendment right to be free from unreasonable seizures, in addition to the elements of the common law tort of malicious prosecution." *Wood v. Kesler*, 323 F. 3d 872 (11th Cir. 2003). Under Alabama law, the common law tort of malicious prosecution requires a plaintiff to show that (1) a prior judicial proceeding was instituted by the defendant, (2) the defendant acted without probable cause, (3) the defendant acted with malice in instituting the prior proceeding, (4) the prior proceeding ended in favor of the plaintiff, and (5) the plaintiff was damaged. *U.S. Steel, LLC v. Tieco, Inc.*, 261 F. 3d



1275, 1289-90 (11th Cir. 2001).

As set out above, defendants had probable cause for their actions. However, even more importantly, Defendant Lashun Hutson had no part whatsoever in the charges made against Plaintiff, or in the institution of the criminal proceeding against him. Therefore, Plaintiff cannot sustain his claim of malicious prosecution against this Defendant, and it must be dismissed.

#### **IV. DEFENDANT IS ENTITLED TO DISCRETIONARY FUNCTION IMMUNITY**

Lashun Hutson is also entitled to discretionary function immunity for Plaintiff's claim arising under Alabama law. In 1994, the Alabama Legislature enacted Ala. Code § 6-5-338, which provides, in pertinent part, as follows:

- (a) Every peace officer, except constables, who is employed or appointed pursuant to the Constitution or statutes of this state, whether appointed or employed as such peace officer by the state or a county or municipality thereof, or by an agency or institution, corporate or otherwise, created pursuant to the Constitution or laws of this state and authorized by the Constitution or laws to appoint or employ police officers or other peace officers, and whose duties prescribed by law, or by the lawful terms of their employment or appointment, include the enforcement of, or the investigation and reporting of violations of, the criminal laws of this state, and who is empowered by the laws of this state to execute warrants, to arrest and to take into custody persons who violate, or who are lawfully charged by warrant, indictment, or other lawful process, with violations of, the criminal laws of this state, shall at all times be deemed to be officers of this state, *and as such shall have immunity from tort liability arising out of his or her conduct in performance of any discretionary function within the line and scope of his or her law enforcement duties.*
- (b) This section is intended to extend immunity only to peace officers and governmental units or agencies authorized to appoint peace officers....

*Ala. Code* § 6-5-338 (emphasis added).

To apply discretionary function immunity, a court must first determine whether the police officer was performing a discretionary function when the alleged wrong occurred. If so, the burden shifts to the plaintiff to demonstrate that the defendant acted in bad faith, with malice or willfulness in order to deny him immunity. *Bullard, supra*, at \*22, citing *Scarborough v. Myles*, 245 F. 3d 1299, 1303 n.9 (11th Cir. 2001) (alteration in original)(applying Alabama law and quoting *Sheth v. Webster*, 145 F. 3d 1231, 1239 (11th Cir. 1998) (per curiam).

Alabama law defines “discretionary acts” as “[t]hose acts [as to which] there is no hard and fast rule as to course of conduct that one must or must not take and those requiring exercise in judgment and choice and [involving] what is just and proper under the circumstances. *L.S.B. v. Howard*, 659 So. 2d 43, 44 (Ala. 1995). Discretionary acts require “constant decision making and judgment.” *Phillips v. Thomas*, 555 So. 2d 81, 85 (Ala. 1989). The Alabama Supreme Court further noted that § 6-5-338 extended discretionary immunity to a municipal police officer “unless the officer's conduct is so egregious as to amount to willful or malicious conduct or conduct engaged in bad faith.” *Wright v. Wynn*, 682 So. 2d 1 (Ala. 1996). Simply stated, the statute “shields every defendant who (1) is a ‘peace officer’ (2) is performing ‘law enforcement duties’, and (3) is exercising judgment or discretion.” *Howard v. City of Atmore*, 887 So. 2d 201, 204 (Ala. 2003).

It is undisputed that Lashun Hutson qualifies as a “peace officer”, and was performing law enforcement duties. There is no doubt that Hutson was serving in the capacity of an officer of the 2<sup>nd</sup> Judicial Drug Task Force. Further, there is no evidence of the malice, willfulness, or bad faith required to overcome the immunity granted by the statute. An officer is entitled to discretionary

function immunity if the officer's acts occurred in the line and scope of his duties as a police officer, and when decisions must be made where there are no hard and fast rules as to the course of conduct one must or must not take, absent malice or willful conduct. *Bullard*, supra. Therefore, Lashun Hutson is entitled to immunity and Plaintiff's state law claims are due to be dismissed.

### CONCLUSION

Based on the foregoing, Defendant Lashun Hutson is entitled to summary judgment as to each of Plaintiff's claims, as there are no genuine issues of material fact and this Defendant is entitled to judgment as a matter of law. Plaintiff cannot present substantial evidence to support his claims of Fourth Amendment violations, or his claim asserted under state law. Further, Lashun Hutson is entitled to qualified, absolute, and discretionary immunity.



ALEX L. HOLTSFORD, JR. (HOL048)  
RICK A. HOWARD (HOW045)  
APRIL W. MCKAY (WIL304)  
Attorneys for Defendants

OF COUNSEL:

Nix Holtsford Gilliland  
Higgins & Hitson, P.C.  
P.O. Box 4128  
Montgomery, AL 36103-4128  
(334) 215-8585

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day sent by electronic means through the Court's electronic filing system, an exact copy of the foregoing document to:

Jay Lewis  
P.O. Box 5059  
Montgomery, AL 36103

C. Richard Hill  
WEBB & ELEY  
P.O. Box 240909  
Montgomery, AL 36124

This the 12<sup>th</sup> day of February, 2008.

  
\_\_\_\_\_  
OF COUNSEL

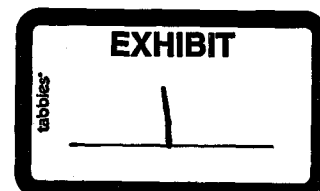
**DEPOSITION OF RICHARD MARSHALL**

**November 14, 2007**

**Pages 1 through 156**

**PREPARED BY:**

**Haislip, Ragan, Green, Starkie & Watson, P.C.**  
**566 South Perry Street**  
**Post Office Box 62**  
**Montgomery, AL 36104**  
**Phone: (334) 263-4455**  
**Fax: (334) 263-9167**  
**E-mail: haislipragan@charter.net**





Page 1	Page 3
<p>1 IN THE UNITED STATES DISTRICT COURT  2 FOR THE MIDDLE DISTRICT OF ALABAMA  3 NORTHERN DIVISION  4  5 RICHARD MARSHALL,  6 Plaintiff,  7 vs. CIVIL ACTION NO.  8 2:06-cv-701-ID.CSC  9  10 CHRIS WEST, in his individual  11 capacity, LASHUN HUTSON, in his  12 individual capacity,  13  14 Defendants.  15  16 *****  17  18 DEPOSITION OF RICHARD MARSHALL, taken  19 pursuant to stipulation and agreement before Lyn  20 Daugherty, ACCR #66, Certified Court Reporter and  21 Commissioner for the State of Alabama at Large, in  22 the Law Offices of Webb &amp; Eley, 7475 Halcyon Pointe  23 Drive, Montgomery, Alabama, on Wednesday, November  14, 2007, commencing at approximately 10:00 a.m.  *****</p>	<p>1 2 Photograph 28  2 3 Photograph 29  3 4 Photograph 31  4 5 MapQuest map 36  5 6 Interview sheet 58  6 7 Photograph 79  7 8 Photograph 79  8 9 Photograph 107  9 10 Photograph 108  10 11 Photograph 108  11 12 Inmate property release slip 133  12  13  14  15  16  17 *****  18  19  20  21  22  23</p>
Page 2	Page 4
<p>1 APPEARANCES  2 FOR THE PLAINTIFF:  3 Mr. Jay Lewis  4 Mr. Fred L. Clements  5 LAW OFFICES OF JAY LEWIS  6 Attorneys at Law  7 847 South McDonough Street  8 Montgomery, Alabama 36104  9  10 FOR THE DEFENDANT WEST:  11 Mr. Gary Wilford  12 Mr. Daryl L. Masters  13 WEBB &amp; ELEY, P.C.  14 Attorneys at Law  15 7475 Halcyon Pointe Drive  16 P.O. Box 240909  17 Montgomery, Alabama 36124  18  19 *****  20 EXAMINATION INDEX  21  22 RICHARD MARSHALL  23  BY MR. WILFORD ..... 5  BY MR. LEWIS ..... 153  EXHIBIT INDEX  MAR  Defendant  1 Alabama uniform arrest report 17  (Index continued on next page)</p>	<p>1 STIPULATIONS  2 It is hereby stipulated and agreed by and  3 between counsel representing the parties that the  4 deposition of RICHARD MARSHALL is taken pursuant to  5 the Federal Rules of Civil Procedure and that said  6 deposition may be taken before Lyn Daugherty,  7 Certified Shorthand Reporter, and Commissioner for  8 the State of Alabama at Large, without the  9 formality of a commission, that objections to  10 questions other than objections as to the form of  11 the question need not be made at this time but may  12 be reserved for a ruling at such time as the said  13 deposition may be offered in evidence or used for  14 any other purpose by either party provided for by  15 the Statute.  16 It is further stipulated and agreed by and  17 between counsel representing the parties in this  18 case that the filing of said deposition is hereby  19 waived and may be introduced at the trial of this  20 case or used in any other manner by either party  21 hereto provided for by the Statute regardless of  22 the waiving of the filing of the same.  23 It is further stipulated and agreed by and</p>

Page 5

1 between the parties hereto and the witness that the  
 2 signature of the witness to this deposition is  
 3 hereby waived.  
 4 \* \* \* \* \*

5 RICHARD MARSHALL

6 The witness, after having first been duly sworn  
 7 to speak the truth, the whole truth and nothing but  
 8 the truth testified as follows:

9 EXAMINATION

10 BY MR. WILFORD:

11 Q. Would you please state your name for the  
 12 record, sir.

13 A. Richard Marshall.

14 Q. Mr. Marshall, my name is Gary Wilford, and  
 15 together with Daryl Masters, who is also  
 16 here in the room, we're representing the  
 17 defendants that you have sued in this  
 18 case -- well, excuse me -- one of the  
 19 defendants that you've sued in this case,  
 20 Chris West. Where do you live?

21 A. Lowndes County, Farmersville.

22 Q. How long have you lived there?

23 A. Basically all my life.

Page 6

1 Q. Have you ever given a deposition before?

2 A. No, sir.

3 Q. Let me cover just a few ground rules here.  
 4 As you can see, we've got a court reporter,  
 5 and one of the things that she's doing is  
 6 she's taking down everything that we're  
 7 saying in the room here today; okay? And  
 8 I'm going to be asking you some questions  
 9 and you're going to be answering those  
 10 questions for me. And when you do that,  
 11 because we've got the court reporter here,  
 12 there's a couple of things we need to keep  
 13 in mind. The first thing is let's try not  
 14 to talk over the top of each other because  
 15 it makes it difficult for her to get a good  
 16 transcription down. Wait for me to ask my  
 17 question completely and then go ahead and  
 18 give me a verbal response. And by that I  
 19 mean a yes, no, or whatever it may be.  
 20 Shaking your head and saying huh-uh and  
 21 uh-huh as we tend to do in normal  
 22 conversation is, again, one of those things  
 23 that's kind of hard for the court reporter

Page 7

1 to get down. If I ask a question that you  
 2 don't understand, please let me know and  
 3 I'll be happy to rephrase it, try to put it  
 4 another way so that you know exactly what  
 5 it is that I'm asking you; all right?

6 A. Okay.

7 Q. Because when I ask you a question and you  
 8 give me an answer, I'm expecting that you  
 9 understood my question. Can we have that  
 10 understanding?

11 A. Okay.

12 Q. This isn't an inquisition. If you need a  
 13 break, if you need to talk to your lawyer,  
 14 get something to drink, whatever the case  
 15 may be, let me know and we can take a  
 16 break; all right?

17 A. Okay.

18 Q. And we'll probably do it on our end once or  
 19 twice as well.

20 A. All right.

21 Q. Other than your lawyers, who are with you  
 22 here today, have you spoken with anyone to  
 23 prepare for your deposition today?

Page 8

1 A. No, sir.

2 Q. I noticed when you came in this morning I  
 3 saw you and Mr. Carmichael walking up  
 4 together. Did y'all ride in together  
 5 today?

6 A. Yes, sir.

7 Q. Did y'all talk about this case on the ride  
 8 up?

9 A. No, sir.

10 Q. Have you ever talked to Mr. Carmichael  
 11 about this case?

12 A. No, sir.

13 Q. At any time?

14 A. No, sir.

15 Q. Are you related to Mr. Carmichael?

16 A. Yes. My cousin.

17 Q. Cousin?

18 A. (Witness nods head).

19 Q. Did you review any documents in preparing  
 20 for your deposition today?

21 A. Not today, but I have -- through my lawyer  
 22 I have.

23 Q. To prepare for this deposition?



Page 9

1 A. Not to prepare for the deposition, but for  
2 the case.  
3 Q. What documents did you review?  
4 A. Just basically disclosure, whatever from  
5 the other party.  
6 Q. The information that we gave you?  
7 A. Yeah.  
8 Q. Anything that you provided your attorneys,  
9 any documents you provided your attorneys?  
10 A. None other than what y'all requested.  
11 Q. What's your date of birth, sir?  
12 A. 2/24/74.  
13 Q. And how old does that make you? I'm not  
14 very good at math.  
15 A. 33.  
16 Q. Where were you born?  
17 A. Lowndes County. Well, Farmersville through  
18 the -- what did they call it back then?  
19 Housewife? Selma Hospital is where I was  
20 taken. I was born at home.  
21 Q. With a midwife?  
22 A. Midwife, yeah.  
23 Q. Okay. I got you.

Page 10

1 Are you married?  
2 A. No, sir.  
3 Q. Have you ever been married?  
4 A. Yes, sir.  
5 Q. How many times have you been married?  
6 A. Once.  
7 Q. And who were you married to?  
8 A. Stephanie Mallory.  
9 Q. When were y'all married?  
10 A. In '97. May, I think.  
11 Q. How long did y'all stay married?  
12 A. Well, the divorce hasn't been finalized.  
13 Q. So technically you're still married to her;  
14 is that right?  
15 A. Yes.  
16 Q. When did y'all file for divorce?  
17 A. Well, she was in the service. She was  
18 really supposed to be handling that. And I  
19 haven't really been in contact with her  
20 over the years. Just hasn't been  
21 finalized.  
22 Q. When was the last time that y'all lived  
23 together?

Page 11

1 A. We never actually lived together. She was  
2 in the service at the time. Never shared a  
3 residence.  
4 Q. All right. Do you work now, sir?  
5 A. No, sir.  
6 Q. What was the last job that you held?  
7 A. M & M Logging last -- I think I was laid  
8 off January of last year.  
9 Q. January of '06?  
10 A. Yes, sir.  
11 Q. How long did you work for them?  
12 A. I think I was employed around August '05,  
13 somewhere August '05.  
14 Q. And worked with them until January of '06?  
15 A. Yes, sir.  
16 Q. What did you do for them?  
17 A. I was a topper. Operate power saw.  
18 Q. How much did you get paid there?  
19 A. I was making \$10 an hour.  
20 Q. Who was your supervisor?  
21 A. David Matthews.  
22 Q. Did you work prior to August of '05?  
23 A. The last job before that was Alabama

Page 12

1 Power. I got laid off in '04.  
2 Q. Do you remember about what month that was?  
3 A. January.  
4 Q. January is not a good month for you, huh?  
5 A. Well, you know, it was shutdown jobs.  
6 Contract's up. Layoff time.  
7 Q. How long did you work for Alabama Power?  
8 A. I started December the previous year. That  
9 would be '03, December '03.  
10 Q. So that was only about a two-month temp  
11 job? Is that about right?  
12 A. Somewhere around there. I caught the end  
13 part of the contract. I worked through my  
14 uncle. He was the supervisor.  
15 Q. Who was your uncle?  
16 A. Curtis Marshall.  
17 Q. Prior to December of '03, when was the last  
18 time that you worked?  
19 A. I have to say it would have to be Big Lots  
20 in Montgomery. I think that's what ...  
21 Q. When did you start working for Big Lots?  
22 A. I would say September of '99.  
23 Q. And you worked for them until when?

Page 13

1 A. I want to say November -- I think it was  
 2 November 2000, somewhere along in there.  
 3 Q. What did you do for Big Lots?  
 4 A. Forklift operator.  
 5 Q. Forklift operator?  
 6 A. Yeah.  
 7 Q. And what did you do for Alabama Power? Let  
 8 me go back to that.  
 9 A. I was a cement finisher helper. Mixed  
 10 mortar, poured concrete.  
 11 Q. And what did you get paid when you were at  
 12 Alabama Power?  
 13 A. I was making 15.50, something like that.  
 14 Q. What was your rate of pay at Big Lots?  
 15 A. Start pay was 7.50 and end off at like \$10.  
 16 Q. Have you ever owned your own business?  
 17 A. No, sir.  
 18 Q. Never been self-employed?  
 19 A. Not really. Well, I contract barber, a  
 20 trade of mine, hair cutting. But I never  
 21 owned my own business.  
 22 Q. When did you do that?  
 23 A. '93 out of high school a couple of years

Page 14

1 off and on.  
 2 Q. Did you graduate from high school?  
 3 A. Yes, sir.  
 4 Q. What high school did you graduate from?  
 5 A. Central High, Hayneville.  
 6 Q. What year did you graduate?  
 7 A. '92.  
 8 Q. Have you ever attended a college?  
 9 A. Briefly J.P. Tech for barbering. But I  
 10 found out I have to have a license to cut  
 11 hair. Went straight to the barber shop.  
 12 Q. And that was here in Montgomery; right?  
 13 A. Yeah.  
 14 Q. When did you attend J.P. Tech?  
 15 A. I think it was '93.  
 16 Q. Any other college or trade school that you  
 17 have?  
 18 A. No, sir.  
 19 Q. Now, you live at 64 Youngblood Road in  
 20 Farmersville; is that right?  
 21 A. Yes, sir.  
 22 Q. And how long did you tell me that you've  
 23 lived there? You said you've lived in

Page 15

1 Lowndes County pretty much all your life.  
 2 How long have you lived at that address?  
 3 A. That's my mother's address. Most all my  
 4 life I stayed next door with my grandmother  
 5 most of my life until I moved out with a  
 6 friend or two.  
 7 Q. Where were you living in 2005?  
 8 A. Still Lowndes County off of Highway 21 with  
 9 a friend.  
 10 Q. The whole year?  
 11 A. Yeah. Yeah.  
 12 Q. What's the address at your grandmother's  
 13 house that you said is next door?  
 14 A. It's probably going to be -- Probably --  
 15 I'm not sure. The address has changed. It  
 16 used to be Route 2, Box 140, but I'm not  
 17 sure. I'm not sure right now. I know  
 18 that's the old address, Route 2, Box 140.  
 19 Q. Do you have any children, Mr. Marshall?  
 20 A. Yes.  
 21 Q. How many children do you have?  
 22 A. Two boys.  
 23 Q. Are any of them 19 or older?

Page 16

1 A. No, sir.  
 2 Q. Do you have a lot of relatives in Lowndes  
 3 County?  
 4 A. Fairly, but not a lot. Close relatives.  
 5 MR. WILFORD: Jay, can we get a  
 6 stipulation, just for the  
 7 venire information, that he'll  
 8 give us a list of relatives in  
 9 the middle district?  
 10 MR. LEWIS: Sure.  
 11 MR. WILFORD: That will save us  
 12 some time.  
 13 Q. Are you a member of a trade union?  
 14 A. No, sir.  
 15 Q. Do you go to church?  
 16 A. I used to. I haven't been in a while.  
 17 Q. When you went to church, what church did  
 18 you attend?  
 19 A. First Baptist in Farmersville.  
 20 Q. Are you a member of any social  
 21 organizations like, you know, Elks, VFW,  
 22 anything like that?  
 23 A. No, sir.

Page 17

1 Q. Other than this lawsuit that we're here on  
 2 today, have you ever been a party in any  
 3 other lawsuit either as a plaintiff or a  
 4 defendant?  
 5 A. No, sir.  
 6 Q. So this is your first one?  
 7 A. Yes.  
 8 Q. We had asked you in the interrogatories if  
 9 you had ever been arrested before, and you  
 10 gave us three arrests; one in April 25th --  
 11 25 of '97 in Butler County, the second one  
 12 was the one that we're here -- I'm sorry --  
 13 the second one was in '98 in Tuscaloosa,  
 14 and the third one was the one that we're on  
 15 here today. Do you have any other arrests  
 16 besides those?  
 17 A. No, sir.  
 18 (Defendant's Exhibit 1 was marked  
 19 for identification.)  
 20 Q. Let me show you what I'm going to mark as  
 21 Defendant's Exhibit 1. Let me give you  
 22 just a minute to take a look at that,  
 23 Mr. Marshall.

Page 18

1 (Brief pause.)  
 2 Q. Have you had a chance to take a look at  
 3 that?  
 4 A. Yeah.  
 5 Q. Does that refresh your recollection as to  
 6 any other arrests you might have had?  
 7 A. Yeah. I forgot about that. Seat belt,  
 8 whatever it was. I think it was June -- I  
 9 want to say June.  
 10 Q. June of this year?  
 11 A. Yeah.  
 12 Q. Were you actually incarcerated as a result  
 13 of that arrest? Put in jail?  
 14 A. Yeah. I was taken in for three days, but I  
 15 got a chance to talk to the judge. It was  
 16 a miss -- following the incident we're here  
 17 now on. They suspended my license for a  
 18 ticket that I already sat out while I was  
 19 in there. She took the ticket up plus the  
 20 ticket that they wrote me that day and  
 21 released me.  
 22 Q. So you spent two days in jail on this  
 23 charge and then the judge dismissed all the

Page 19

1 charges?  
 2 A. Yes.  
 3 Q. Is that what you're telling me?  
 4 A. Yeah.  
 5 Q. Do you remember who it was that arrested  
 6 you on this June of '07 arrest?  
 7 A. The officer -- my first time seeing him.  
 8 But they did call Shawn Hutson up. When  
 9 they ran my name, he was the first officer  
 10 pulled up. So they pulled him up and they  
 11 took me in.  
 12 Q. Oh, you're saying Shawn Hutson came to  
 13 the --  
 14 A. Yes, sir.  
 15 Q. -- to the stop?  
 16 A. Yep.  
 17 Q. But he wasn't the one who originally pulled  
 18 you over; correct?  
 19 A. He didn't pull me over.  
 20 Q. Do you remember what department that  
 21 officer might have worked from, the one who  
 22 originally pulled you over?  
 23 A. Oh, it was Lowndes County.

Page 20

1 Q. Was it the DTF?  
 2 A. Just a regular city cop, whatever.  
 3 Q. City or county?  
 4 A. County, city. I mean, I don't exactly know  
 5 which one it was.  
 6 Q. Do you remember what color uniform the  
 7 officer wore?  
 8 A. I want to say dark-colored, dark-colored  
 9 uniforms. May be county. In a white  
 10 vehicle.  
 11 Q. All right. Other than this one and the  
 12 three that you told us about in the  
 13 interrogatories, any other arrests?  
 14 A. No.  
 15 Q. On the first arrest in April of '97, did  
 16 you have to spend any time in jail on that  
 17 one?  
 18 A. '97, yeah.  
 19 Q. How long did you spend in jail on that one?  
 20 A. Approximately two or three weeks before the  
 21 charge was dropped.  
 22 Q. Do you know why the charges were dismissed?  
 23 A. Yeah. It was bogus charges. It was a

Page 21	Page 23
<p>1 misunderstanding between me and my kids'</p> <p>2 mom. She went down there to make false</p> <p>3 statements about a vehicle we purchased</p> <p>4 together, and two or three weeks later she</p> <p>5 came to an agreement and dropped the</p> <p>6 charge.</p> <p>7 Q. You say your kids' mom. Is that the lady</p> <p>8 that you're currently married to?</p> <p>9 A. No, sir.</p> <p>10 Q. What was that lady's name?</p> <p>11 A. Which one?</p> <p>12 Q. The mother of your children.</p> <p>13 A. Shavonne Bailey.</p> <p>14 Q. Do you know where she lives now?</p> <p>15 A. Tuscaloosa.</p> <p>16 Q. Was she the one that was involved in the</p> <p>17 arrest in Tuscaloosa in '98?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Do you have an address on Ms. Bailey?</p> <p>20 A. Not off the top of my head, but I have it.</p> <p>21 I have an address, but I don't know it by</p> <p>22 heart.</p> <p>23 Q. Do you know her phone number?</p>	<p>1 A. Yes, sir.</p> <p>2 Q. Any other times that you've been in jail</p> <p>3 that we haven't talked about?</p> <p>4 A. No, sir.</p> <p>5 Q. Have you ever been treated for alcohol or</p> <p>6 drug addiction?</p> <p>7 A. No, sir.</p> <p>8 Q. Ever been treated for mental illness?</p> <p>9 A. No, sir.</p> <p>10 Q. All right. Let me draw your attention to</p> <p>11 the day that this incident that this</p> <p>12 lawsuit is about occurred. Would you agree</p> <p>13 with me that that was June 28th of 2005?</p> <p>14 A. I would agree.</p> <p>15 Q. Do you recall what day of the week that</p> <p>16 was?</p> <p>17 A. I think it was Tuesday.</p> <p>18 Q. You weren't employed on June 28th of '05,</p> <p>19 were you?</p> <p>20 A. No, sir.</p> <p>21 Q. What did you have to do that day, if</p> <p>22 anything?</p> <p>23 A. Early that morning I went to my aunt's</p>
Page 22	Page 24
<p>1 A. I don't know it by heart either.</p> <p>2 Q. When was the last time you talked to her?</p> <p>3 A. Last month.</p> <p>4 Q. Did you spend any time in jail in</p> <p>5 Tuscaloosa?</p> <p>6 A. Overnight.</p> <p>7 Q. Just overnight?</p> <p>8 A. Yeah.</p> <p>9 Q. That was in Tuscaloosa City Jail?</p> <p>10 A. Yeah.</p> <p>11 Q. Or the county jail?</p> <p>12 A. I'm not sure. I'd have to look at the</p> <p>13 paper and see. It's been a while.</p> <p>14 Q. The arrest in Butler County, were you in</p> <p>15 the Butler County Jail? It says you were</p> <p>16 arrested by the Butler City Police</p> <p>17 Department.</p> <p>18 A. Well, they only have one jail. I don't</p> <p>19 know whether it's under the city or the</p> <p>20 county. It's the only one they have --</p> <p>21 still have.</p> <p>22 Q. All right. And you've been in the Lowndes</p> <p>23 County jail twice; is that correct?</p>	<p>1 house and we pulled the motor and</p> <p>2 transmission out of a vehicle.</p> <p>3 Q. You said we. Who is we?</p> <p>4 A. Me and Kevin and two more cousins.</p> <p>5 Q. Kevin Carmichael?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Who were the other two cousins?</p> <p>8 A. Darrell Howard, Charles Howard.</p> <p>9 Q. And you said you were pulling a motor out</p> <p>10 of a car?</p> <p>11 A. Yeah.</p> <p>12 Q. Was it your aunt's car?</p> <p>13 A. No. It was my cousin's car.</p> <p>14 Q. Were you being paid to do that?</p> <p>15 A. No.</p> <p>16 Q. What time did you get up to go pull that</p> <p>17 motor?</p> <p>18 A. Probably about eight o'clock.</p> <p>19 Q. Did you have anything to eat when you woke</p> <p>20 up?</p> <p>21 A. No, sir.</p> <p>22 Q. Just went straight over there and started</p> <p>23 working on a motor?</p>



Page 25

1 A. (Witness nods head).  
 2 Q. Did y'all eat anything while you were over  
 3 there?  
 4 A. No, sir.  
 5 Q. Did you have anything alcoholic to drink  
 6 while y'all were working on that motor?  
 7 A. No, sir.  
 8 Q. Take any drugs that day?  
 9 A. No, sir.  
 10 Q. Prescription drugs?  
 11 A. No drugs.  
 12 Q. Where is your aunt's house at?  
 13 A. It's in Farmersville also.  
 14 Q. What's the address there?  
 15 A. I don't know the address right off the top  
 16 of my head.  
 17 Q. How far is it from your house?  
 18 A. Approximately a mile.  
 19 Q. So did you get that motor out that day?  
 20 A. Yes, sir.  
 21 Q. How were you dressed?  
 22 A. T-shirt and shorts.  
 23 Q. Pretty hot that day?

Page 26

1 A. Yeah. It was a pretty hot summer. It was  
 2 warm that day.  
 3 Q. How long did it take y'all to get that  
 4 motor out?  
 5 A. I think we finished up sometime between  
 6 11:30 -- sometime before noon.  
 7 Q. What were you going to do after that?  
 8 A. Go home and take a bath and get some rest.  
 9 Q. And was that -- When you say going home,  
 10 was that the 64 Youngblood Road address?  
 11 A. No. That's the residence off of 21 where I  
 12 was residing at the time.  
 13 Q. Off of Highway 21?  
 14 A. Yes, sir.  
 15 Q. Is that on County Road 7?  
 16 A. Off of County Road 7, right off of the  
 17 State Highway 21.  
 18 Q. Is that at the intersection of County Road  
 19 7 and Highway 21?  
 20 A. Yeah.  
 21 Q. Where did Mr. Howard -- well, the two  
 22 Mr. Howards, Darrell and Charles, go after  
 23 y'all got done with that engine?

Page 27

1 A. They was at their house where we took it  
 2 out. That's his mother.  
 3 Q. So they didn't go anywhere?  
 4 A. They were home already.  
 5 Q. Did you have any plans for the rest of the  
 6 day other than just going home?  
 7 A. No plans.  
 8 Q. Was there anybody in the car with you when  
 9 you went home?  
 10 A. Kevin Carmichael.  
 11 Q. Did you stop anywhere between your aunt's  
 12 house and where your encounter with the  
 13 defendants began?  
 14 A. No, sir.  
 15 Q. Can you describe for me the vehicle that  
 16 you were in?  
 17 A. 1971 blue Nova.  
 18 Q. '71?  
 19 A. Yes, sir.  
 20 Q. That's a Chevrolet; right?  
 21 A. Yes.  
 22 Q. Was that your car?  
 23 A. Yes.

Page 28

1 Q. How long had you had that car?  
 2 A. I think I purchased it in July of '04.  
 3 (Defendant's Exhibit 2 was marked  
 4 for identification.)  
 5 Q. Let me show you what we'll mark as  
 6 Defendant's Exhibit 2 after your attorneys  
 7 get a chance to look at it. Is that your  
 8 car?  
 9 A. That's my car.  
 10 Q. That's in Defendant's Exhibit 2?  
 11 A. That's it.  
 12 Q. Who all besides you had access to that car?  
 13 A. No one.  
 14 Q. So you had the only set of keys; correct?  
 15 A. That's correct.  
 16 Q. Had you loaned it to anyone recently?  
 17 A. No, sir.  
 18 Q. I'm sorry?  
 19 A. No, sir.  
 20 Q. Was that car equipped with seat belts?  
 21 A. Yes, sir.  
 22 Q. Were you wearing your seat belt that day?  
 23 A. No, sir.

Deposition of Richard Marshall

Page 29

1 Q. What about Kevin, was he wearing his?  
 2 A. No.  
 3 Q. Was there any alcohol in that car?  
 4 A. No, sir.  
 5 (Defendant's Exhibit 3 was marked  
 6 for identification.)  
 7 Q. Let me show you what we're going to mark as  
 8 Defendant's Exhibit 3. Let me ask you,  
 9 does that look like the front seat of your  
 10 car on June 28th, 2005, Defendant's Exhibit  
 11 3?  
 12 A. That's it.  
 13 Q. Fairly and accurately depict what was on  
 14 the front seat of your car that day?  
 15 A. Yes, sir.  
 16 Q. What was in that flask that's there on the  
 17 seat next to the gun?  
 18 A. At one time it had contained alcohol, but  
 19 it was no alcohol in it that day.  
 20 Q. Well, what was in it when it was -- What  
 21 was the alcohol that was in there?  
 22 A. Vodka.  
 23 Q. When did you drink that -- or did you --

Page 30

1 let me back up. Did you drink that?  
 2 A. It's been in there for some while.  
 3 Probably a week prior when I had a drink.  
 4 Q. So you had emptied it about a week prior;  
 5 is that right?  
 6 A. Yeah.  
 7 Q. Now, Defendant's Exhibit 3 also has a gun  
 8 in that picture; correct?  
 9 A. Uh-huh (positive response).  
 10 Q. Was that your gun?  
 11 A. No, sir.  
 12 Q. But you knew it was in the car that day;  
 13 right?  
 14 A. Yes, sir.  
 15 Q. Whose gun is it?  
 16 A. It belongs to D.C. McWilliams.  
 17 Q. Who is D.C. McWilliams?  
 18 A. A friend of mine.  
 19 Q. How did it get in the car?  
 20 A. Well, he left it in there. One day I give  
 21 him a ride when he was having car trouble.  
 22 It was starting to rain. He came along and  
 23 said he wanted to go back and get his gun

Page 31

1 and his books. And I give him a ride home  
 2 right before dark. It started raining even  
 3 harder before we got there. When I pulled  
 4 up in his driveway, he jumped out of the  
 5 car and left the gun.  
 6 Q. How long ago before -- Let me back up and  
 7 regroup. How long before June 28th, 2005  
 8 did you give Mr. McWilliams a ride?  
 9 A. Approximately three or four days earlier  
 10 than that.  
 11 Q. Where does Mr. McWilliams live?  
 12 A. Right off of Highway 21.  
 13 Q. Do you know the address?  
 14 A. Not right offhand.  
 15 Q. How far is it from your house?  
 16 A. Approximately three or four miles.  
 17 (Defendant's Exhibit 4 was marked  
 18 for identification.)  
 19 Q. Let me show you what we'll mark as  
 20 Defendant's Exhibit 4. Does that look like  
 21 the ashtray that was in your Nova?  
 22 A. It is.  
 23 Q. And you can see in there there's some

Page 32

1 bullets in there; right?  
 2 A. Yes, sir.  
 3 Q. Why were those bullets in your ashtray?  
 4 A. Like I said, he left the box of bullets in  
 5 there which had got wet from the rain. The  
 6 box was deteriorating, therefore tearing  
 7 up. So I took the bullets, put them in the  
 8 ashtray. And there probably was some on  
 9 the seat also because all of them couldn't  
 10 fit in there.  
 11 Q. If you look back at Defendant's 3,  
 12 I believe it is, I think you're right.  
 13 There is a bullet lying there on the seat,  
 14 isn't there?  
 15 A. Yeah.  
 16 Q. So he left the gun and a box of bullets in  
 17 your car?  
 18 A. Yes, sir.  
 19 Q. And he left it there for three to four  
 20 days?  
 21 A. That's approximately how long it was.  
 22 Q. Had he tried to get ahold of you to get his  
 23 gun and his bullets back prior to that

Page 33

1 time?  
 2 A. He may have, but I was in and out of my  
 3 residence probably and missed him. I even  
 4 called him, but I couldn't get up with him.  
 5 Q. Does Mr. McWilliams still live there off  
 6 Highway 21?  
 7 A. I'm certain he does.  
 8 Q. Did you have a concealed weapon permit?  
 9 A. No, sir.  
 10 Q. Had you ever had a concealed weapon permit?  
 11 A. No, sir.  
 12 Q. How much money did you have on you that  
 13 day?  
 14 A. 500.  
 15 Q. Exactly 500?  
 16 A. Yes, sir.  
 17 Q. In what denomination were the bills?  
 18 A. I know two \$100 bills and the rest were  
 19 twenties.  
 20 Q. Where did that money come from?  
 21 A. I previously was drawing unemployment when  
 22 I got laid off from one job and I saved  
 23 money. And during that time I was having a

Page 34

1 fairly decent streak at the gambling  
 2 casinos. During the time I won a  
 3 substantial amount of money.  
 4 Q. Which casino?  
 5 A. White Hall Gaming Casino. Also Biloxi,  
 6 Mississippi I won some money.  
 7 Q. Which casino in Biloxi?  
 8 A. I'm not sure right offhand. I'd have to  
 9 check receipts or something. I don't want  
 10 to say the wrong one.  
 11 Q. When did you win that money?  
 12 A. I won the money in Mississippi in '04. The  
 13 month I'm not exactly -- I'm not sure of  
 14 the month. I won money in White Hall in  
 15 '05, March.  
 16 Q. Well, how much did you win in Biloxi?  
 17 A. About 1600.  
 18 Q. And how much at White Hall?  
 19 A. 3600.  
 20 Q. And you're saying that this money was  
 21 left -- what was left of your winnings? Am  
 22 I understanding you correctly?  
 23 A. Yeah.

Page 35

1 Q. Did you report those winnings on your  
 2 income tax?  
 3 A. I took a waiver out -- tax waiver out each  
 4 time.  
 5 Q. Tax waiver. You have to explain that to me  
 6 because I'm not a gambler.  
 7 A. When you have to sign to have your taxes  
 8 taken out of winnings to report your W-2s  
 9 from the casino.  
 10 Q. Right. Okay. But when you filed your  
 11 income tax at the end of the year, did you  
 12 report that income?  
 13 A. I haven't filed but once since '05. I  
 14 think child support ended up being on  
 15 that. I'm not sure if I had it in there or  
 16 not.  
 17 Q. Where was that money at?  
 18 A. What money?  
 19 Q. The \$500 that we're talking about. That's  
 20 a good point. When I ask a bad question,  
 21 you go right ahead and ask me to clarify.  
 22 I'm talking about the \$500 now. Where did  
 23 you have that at?

Page 36

1 A. In my short right-hand pocket.  
 2 Q. Was it in a wallet, or how were you  
 3 carrying it?  
 4 A. Just together folded.  
 5 Q. When was the first time that you remember  
 6 seeing the two officers that you ran into  
 7 later that day?  
 8 A. The first time that I seen two unknown  
 9 persons was on County Road 7 immediately  
 10 coming from my aunt's house.  
 11 Q. That's good. Let's back up and regroup on  
 12 that just a minute. Did you turn off of  
 13 Highway 21 going down County Road 7 to your  
 14 house?  
 15 A. I turned off of Highway 16 onto County Road  
 16 7 where I met the officers.  
 17 (Defendant's Exhibit 5 was marked  
 18 for identification.)  
 19 Q. Just so I'm clear, I'm going to show you  
 20 what we're going to mark as Defendant's  
 21 Exhibit 5, which I'll tell you is just a  
 22 little map that I got off the Internet of  
 23 the area. Kind of centered in it is County

Page 37	Page 39
<p>1 Road 7 and Highway 21 and we'll just kind 2 of refer to that. Now, you said you came 3 off -- was it County Road 16 and onto -- 4 I'm sorry. Let me move all this stuff out 5 of your way. I don't see County Road 16 on 6 that map, and I might not have it zoomed in 7 in enough detail. 8 A. Well, it's -- the road coming from 9 Farmersville I think leads to be County 10 Road 16 and then you make a right on County 11 Road 7. 12 Q. There's Farmersville right there. So does 13 County Road 16 kind of come -- 14 A. Yeah. And you make a right onto County 15 Road 7. Then you make another right on 16 Highway 21. 17 Q. I tell you what. Let me give you my pen 18 here and if you would just kind of draw a 19 little line there from that dot under 20 Farmersville. Just your best guess at how 21 County Road 16 goes into County Road 7. 22 A. It would have to be coming from this 23 direction and make a right on County Road</p>	<p>1 that. 2 A. (Witness complies). 3 Q. All right. So make sure I understand what 4 you're telling me. You left Farmersville 5 where your aunt's house was? 6 A. Yes, sir. 7 Q. Traveled down County Road 16? 8 A. Uh-huh (positive response). 9 Q. Took a right on County Road 7 from County 10 Road 16? 11 A. (Witness nods head). 12 Q. Where did you first see who you later 13 learned to be the defendants in this case? 14 A. Approximately a quarter mile after turning 15 on County Road 7 I met a dark-colored 16 Lincoln Town Car, who I first thought was a 17 drunken driver or something that slowed 18 down, hit the brakes hard. And I didn't 19 know who it was, so I kept driving. 20 Q. Okay. There's a whole bunch of things I 21 need to ask you about there. You said it 22 was a dark-colored Lincoln Town Car? 23 A. Yes, sir.</p>
Page 38	Page 40
<p>1 7. 2 Q. Just draw that to where it intersects into 3 County Road 7. Just make your line go into 4 County Road 7. 5 A. (Witness complies). 6 Q. There we go. That's good. And if you 7 would, just put a 16 under that so we'll 8 know what we're talking about. 9 A. (Witness complies). 10 Q. All right. Now, if you would on here just 11 put a little X about where your house was 12 back in June of '05. 13 A. The residence where I was going to? 14 Q. Yes, sir. 15 A. Well, it's off of Highway 21. Braggs. 16 This is 263 exit. I stayed approximately a 17 mile or two, three miles from the 263 18 exit. So I would have to say somewhere in 19 here approximately. 20 Q. Can you put a little bit larger X so when 21 we copy that? 22 A. (Witness complies). 23 Q. And if you would, just write home under</p>	<p>1 Q. Had you ever seen that car before? 2 A. No, sir. 3 Q. Did it have any distinguishing features on 4 it, like a license plate on the front or 5 anything that stood out in your mind? 6 A. Didn't even pay it no attention. Wasn't 7 registering in my mind. Just another 8 vehicle. 9 Q. Had you passed any vehicles on County Road 10 7 prior to seeing that dark-colored 11 Lincoln? 12 A. No, sir. That's the first vehicle I saw. 13 Q. Had you passed any on County Road 16? 14 A. No, sir. 15 Q. So you're all alone on a road there? 16 A. Yes, sir. 17 Q. All right. You also said that you thought 18 it was a drunk driver. What made you think 19 it was a drunk driver? 20 A. Because immediately upon meeting the car 21 the car slammed on brakes and took a nose 22 dive, and I thought that to be strange at 23 the time. Looked in my rear view mirror,</p>



Page 41

1 saw that the car was veering off to the  
 2 side of the road. So I thought maybe they  
 3 had a flat or something, so I kept driving.  
 4 Q. You didn't see it swerving in the road as  
 5 it was coming towards you, right?  
 6 A. No, sir.  
 7 Q. So the only thing that made you think it  
 8 was a drunk driver was it slammed on the  
 9 brakes and then veered off the road?  
 10 A. Yes, sir.  
 11 Q. Did you get a look at who was in the  
 12 vehicle as it went by you?  
 13 A. No, sir.  
 14 Q. County Road 7 where you encountered this  
 15 dark-colored Lincoln, is that a two-lane  
 16 road?  
 17 A. It's a small rural road, one lane.  
 18 Q. One lane in each direction?  
 19 A. Yeah. One lane in each direction.  
 20 Q. Did you see any kind of blue lights on the  
 21 vehicle when it went by you?  
 22 A. There was no lights.  
 23 Q. When you say no lights, no blue lights?

Page 42

1 A. Right.  
 2 Q. It had headlights, right?  
 3 A. I'm certain it did.  
 4 Q. Had you ever seen Chris West before that  
 5 day?  
 6 A. No, sir.  
 7 Q. How about LaShun Hutson, had you ever seen  
 8 him before that day?  
 9 A. No, sir.  
 10 Q. Did you know of them?  
 11 A. I never know of Shawn Hutson, but I have  
 12 heard Chris West's name.  
 13 Q. You'd heard Chris West's name prior to the  
 14 28th of June of '05?  
 15 A. Yes, sir.  
 16 Q. What did you know about Chris West prior to  
 17 June 28 of '05?  
 18 A. Only that he was a law enforcement officer.  
 19 Q. Do you remember who you heard that from or  
 20 how you heard it?  
 21 A. No, sir. Just open conversation.  
 22 Q. Do you know who might have told you that?  
 23 A. No one told me. Just heard it. Just heard

Page 43

1 of him.  
 2 Q. Did you know he worked with the drug task  
 3 force?  
 4 A. No, sir.  
 5 Q. Other than slamming on the brakes and  
 6 veering off the road, did they do anything  
 7 else unusual?  
 8 A. That's all I know is right then.  
 9 Q. You say right then. Did they do anything  
 10 else after that?  
 11 A. Yeah. Next thing I know is they was upside  
 12 my car.  
 13 Q. So from the time -- Let me make sure I got  
 14 your testimony right. From the time you  
 15 saw them slam on brakes and veer off the  
 16 road until they were next to you, you  
 17 didn't see them. Is that what you're  
 18 telling me?  
 19 A. Yes, sir.  
 20 Q. Were there any cars coming behind that  
 21 Lincoln that you saw?  
 22 A. No, sir.  
 23 Q. Okay. Now, you said they came alongside of

Page 44

1 you. How did they do that? Describe that  
 2 for me.  
 3 A. After seeing the car slam on brakes and,  
 4 like I said, I looked in my back mirror and  
 5 saw them veer off. I kept driving. Didn't  
 6 know what was happening. Approximately 30  
 7 seconds to a minute later they had pulled  
 8 up beside me in the passing lane. All I  
 9 saw was two black males in black T-shirts  
 10 trying to flag me to pull over on first  
 11 glance.  
 12 Q. You said trying to flag you. What were  
 13 they doing?  
 14 A. I just seen the hand signal (indicating)  
 15 and pull over.  
 16 Q. Was there anything -- Let me back up. Who  
 17 was doing the hand signal? Was it the  
 18 passenger or the driver?  
 19 A. Passenger.  
 20 Q. And just kind of describe what you did a  
 21 second ago. For the record you were using  
 22 your right hand and kind of pushing at  
 23 shoulder level off to the side?

Page 45	Page 47
<p>1 A. Yes, sir.</p> <p>2 Q. Did you later learn who the passenger was</p> <p>3 that was giving you the hand signal?</p> <p>4 A. I believe it was Shawn Hutson.</p> <p>5 Q. So Chris West was driving; is that right?</p> <p>6 A. I think he was. Had to be.</p> <p>7 Q. Was there anybody else in the car besides</p> <p>8 those two?</p> <p>9 A. No, sir.</p> <p>10 Q. Was your window up or down in your car?</p> <p>11 A. Down.</p> <p>12 Q. Does the air conditioning work in that car?</p> <p>13 A. No, sir.</p> <p>14 Q. So you had 2 by 55 air conditioning?</p> <p>15 A. I mean, wind?</p> <p>16 Q. Yeah.</p> <p>17 A. Yeah. That's it.</p> <p>18 Q. And I'm just going to start referring to</p> <p>19 them by name now. We know that based on</p> <p>20 your testimony Shawn was the passenger and</p> <p>21 Chris was the driver. Did Shawn say</p> <p>22 anything to you when he was initially</p> <p>23 giving you that hand signal?</p>	<p>1 A. I was at the hotel, Peddler's Inn, and I</p> <p>2 had a guy pull a gun on me and demanded</p> <p>3 money.</p> <p>4 Q. Were you in a car or were you just</p> <p>5 walking? Where were you?</p> <p>6 A. Coming out my room -- hotel room.</p> <p>7 Q. Did he get any money off of you?</p> <p>8 A. He took some money.</p> <p>9 Q. Did you report it to the police?</p> <p>10 A. Yeah. I went in for questioning and made a</p> <p>11 statement.</p> <p>12 Q. Did they ever catch the guy who did it?</p> <p>13 A. Yes.</p> <p>14 Q. What was his name?</p> <p>15 A. I want to say Jerome Titus.</p> <p>16 Q. What happened with Mr. Titus?</p> <p>17 A. I guess they prosecuted him or whatever. I</p> <p>18 don't know the full extent.</p> <p>19 Q. Did you ever have to testify at trial?</p> <p>20 A. No. I got a letter from the DA, Ellen</p> <p>21 Brooks, saying it wasn't enough evidence or</p> <p>22 something. I don't know. It was</p> <p>23 dismissed.</p>
Page 46	Page 48
<p>1 A. I really couldn't hear if he had said</p> <p>2 anything anyway. As you can see in my</p> <p>3 trunk, I had amplifiers and music that was</p> <p>4 blasting during the time. I was driving</p> <p>5 35, 40 miles per hour. All I could really</p> <p>6 see was a hand signal.</p> <p>7 Q. Well, did it look like he was trying to say</p> <p>8 something?</p> <p>9 A. I can't recollect. I can't say that</p> <p>10 because it happened so quick. Just a brief</p> <p>11 glance and that's all I looked over there.</p> <p>12 Q. Let me back up and ask you something here.</p> <p>13 In paragraph 16 of your amended complaint</p> <p>14 you alleged that you've been robbed</p> <p>15 before.</p> <p>16 A. Yes, sir.</p> <p>17 Q. How many times had you been robbed before?</p> <p>18 A. Once.</p> <p>19 Q. When was that?</p> <p>20 A. August '03.</p> <p>21 Q. Where was it?</p> <p>22 A. In Montgomery.</p> <p>23 Q. What happened?</p>	<p>1 Q. So he wasn't convicted?</p> <p>2 A. Not to my knowledge.</p> <p>3 Q. All right. So that was the only time that</p> <p>4 you were robbed previously?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Have you been robbed since?</p> <p>7 A. No, sir.</p> <p>8 Q. All right. So we got to the point where</p> <p>9 their car -- are they about even with you</p> <p>10 going down County Road 7?</p> <p>11 A. Yeah. They pulled right up beside me.</p> <p>12 Q. Going about 35, 40 miles an hour; is that</p> <p>13 right?</p> <p>14 A. Yeah. I wasn't driving fast.</p> <p>15 Q. What's the speed limit there?</p> <p>16 A. Approximately 45, 50 maybe, anywhere in</p> <p>17 that range.</p> <p>18 Q. About how long did they stay alongside of</p> <p>19 you like that?</p> <p>20 A. Approximately 10 seconds.</p> <p>21 Q. What did they do after that 10 seconds?</p> <p>22 A. They veered behind me and trailed me out to</p> <p>23 Highway 21.</p>

Page 49

1 Q. Did they try to come up alongside of you  
2 again prior to getting to Highway 21?  
3 A. No, sir.  
4 Q. Did you look at them in your rear view  
5 mirror?  
6 A. I took a glance in my rear view mirror and  
7 noticed that they was riding my bumper.  
8 Q. Did you see a blue light at that time?  
9 A. There was no blue light.  
10 Q. Could you see what the two occupants of the  
11 car were doing in your rear view mirror?  
12 A. No, sir. I didn't glance. Just quick  
13 glance to see that they was still behind  
14 me.  
15 Q. Let me back up for just a second. When  
16 they were alongside of you here this first  
17 time, did you say anything to them?  
18 A. On first glance when they pulled up, yeah,  
19 I may have said -- asked them what they  
20 want, not in that nice a way, though.  
21 Q. Not in a nice way?  
22 A. Yeah. Not in a nice way.  
23 Q. Can you tell me exactly what you said?

Page 50

1 A. What the fuck y'all want.  
2 Q. Did you think to turn the stereo down?  
3 A. No. Because it was my first understanding  
4 that it was somebody trying to rob me and  
5 I'm not going to be courteous to them.  
6 Q. So you couldn't hear what they were saying  
7 to you; right?  
8 A. No, sir.  
9 Q. And you asked them what you asked them?  
10 A. Yes, sir.  
11 Q. And the stereo is still going the whole  
12 time?  
13 A. Yes, sir.  
14 Q. Did it look like either one of them  
15 responded when you asked them that question?  
16 A. No, sir.  
17 Q. Because you just glanced at them real  
18 quick; right?  
19 A. Yes, sir.  
20 Q. All right. They trailed you all the way up  
21 to Highway 21; correct?  
22 A. Yes, sir.  
23 Q. What did you do when you got to Highway 21?

Page 51

1 A. I turned right. Turned going toward my  
2 residence.  
3 Q. Turned right going towards your house?  
4 A. Yes, sir.  
5 Q. Which I guess on this map takes us back to  
6 the west; is that right? I think this is  
7 west over here on the left-hand side.  
8 A. I don't know if it's west or not. All I  
9 knew --  
10 Q. Kind of southwest really?  
11 A. I turned right on Highway 21.  
12 Q. We'll go with that. You turned right on  
13 Highway 21 heading towards your house. Is  
14 there a stop sign there at 7 and 21?  
15 A. Caution light, yield sign.  
16 Q. A yield sign?  
17 A. Uh-huh (positive response).  
18 Q. Was there any traffic coming on Highway 21?  
19 A. No, sir. I didn't see any traffic.  
20 Q. Either way?  
21 A. No, sir.  
22 Q. What is Highway 21? Is it another  
23 two-lane, one lane each way, or is it

Page 52

1 four-lane?  
2 A. Two-lane, one lane each way. State  
3 highway.  
4 Q. Did you stop at the intersection of 7 and  
5 21?  
6 A. Brief caution, brake in the road at the  
7 yield sign and proceeded to go right toward  
8 my residence.  
9 Q. Kind of a rolling stop?  
10 A. Yeah. Rolling stop.  
11 Q. Wheels never really came to a complete  
12 rest?  
13 A. No, sir.  
14 Q. And you took the right going onto Highway  
15 21?  
16 A. Yes, sir.  
17 Q. What did the Lincoln do?  
18 A. Still behind me.  
19 Q. It followed you out on Highway 21?  
20 A. Yes, sir.  
21 Q. Did you get a chance to look in your rear  
22 view mirror as you were going down 21?  
23 A. Well, right after turning on Highway 21 the

Page 53	Page 55
<p>1 vehicle pulled up beside me again.</p> <p>2 Q. So up again on the left-hand side of your</p> <p>3 vehicle coming in the oncoming traffic</p> <p>4 lane; is that right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. How fast were you going at that time?</p> <p>7 A. Approximately 55, somewhere around there.</p> <p>8 Q. What's the speed limit on Highway 21?</p> <p>9 A. I'm quite sure it's 55.</p> <p>10 Q. And I should have asked you this before.</p> <p>11 The rest of the time that you were on</p> <p>12 County Road 7, did you stay going 35, 40</p> <p>13 miles an hour?</p> <p>14 A. Around 35, 40 miles an hour. Because they</p> <p>15 were bumper to bumper on me.</p> <p>16 Q. So you sped up a little bit?</p> <p>17 A. It was a wavy road, so I really didn't want</p> <p>18 to travel fast.</p> <p>19 Q. Well, you did speed up a little if you got</p> <p>20 up to 45; right?</p> <p>21 A. Well, like I said, I was driving around 35</p> <p>22 to 45 on County Road 7.</p> <p>23 Q. Well, were you trying to get them off your</p>	<p>1 Q. Did you see anything besides the weapon?</p> <p>2 A. No, sir. I just seen the right hand.</p> <p>3 Q. I'm sorry?</p> <p>4 A. I just saw his right hand gesturing and I</p> <p>5 just kept driving.</p> <p>6 Q. Is that the only hand he had in view?</p> <p>7 A. That's the only hand I saw.</p> <p>8 Q. Did he say anything to you?</p> <p>9 A. I didn't hear him say anything if he did</p> <p>10 for the music.</p> <p>11 Q. You still had the music going?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Could you tell that he was trying to say</p> <p>14 anything to you? Could you see his lips</p> <p>15 moving?</p> <p>16 A. I didn't have time to just lock on to what</p> <p>17 he was saying, lips moving, because I'm</p> <p>18 watching traffic and watch the incident.</p> <p>19 All I did is glance. When the car pulled</p> <p>20 up beside me, I glanced, put my eyes back</p> <p>21 on the highway and kept driving.</p> <p>22 Q. You just said watching traffic. Are there</p> <p>23 cars coming now?</p>
Page 54	Page 56
<p>1 bumper at all?</p> <p>2 A. I wasn't trying to because I knew I</p> <p>3 couldn't. They was trailing my bumper.</p> <p>4 And like I said, it was a wavy road. I</p> <p>5 didn't want to hurt myself.</p> <p>6 Q. So you turned onto Highway 21 and they came</p> <p>7 up alongside of you. What happened when</p> <p>8 they came alongside of you?</p> <p>9 A. They came alongside me and I saw the same</p> <p>10 thing again, hand motion and I glanced and</p> <p>11 kept driving.</p> <p>12 Q. Was there anything in -- And you said the</p> <p>13 hand motion. Was that the passenger again,</p> <p>14 Shawn?</p> <p>15 A. Yes.</p> <p>16 Q. Could you see anything that Chris might be</p> <p>17 doing?</p> <p>18 A. I didn't have time to just lock in on him.</p> <p>19 Q. Did Shawn have anything in his hands this</p> <p>20 time when they pulled up alongside of you</p> <p>21 on 21?</p> <p>22 A. On second glance it appeared to be a weapon</p> <p>23 at a glance and kept driving.</p>	<p>1 A. No cars coming, but I'm looking for a car.</p> <p>2 Q. So still y'all are the only two vehicles on</p> <p>3 the road?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Describe that weapon that you saw for me.</p> <p>6 A. I can't describe it. All I know is I saw a</p> <p>7 weapon. I don't know what brand --</p> <p>8 Q. Was it a knife? A gun?</p> <p>9 A. A gun, yeah. A gun.</p> <p>10 Q. Was it black? Shiny?</p> <p>11 A. It was black.</p> <p>12 Q. Big gun? Little gun?</p> <p>13 A. I don't know. I can't lock in on the</p> <p>14 size. I glanced at the weapon I saw.</p> <p>15 Q. Was it pointed at you?</p> <p>16 A. I can't say that it was pointed at me. All</p> <p>17 I seen was a hand gesture going like to</p> <p>18 pull over or whatever.</p> <p>19 Q. He was gesturing with the gun?</p> <p>20 A. That's what I saw.</p> <p>21 Q. Did you say anything to him?</p> <p>22 A. I didn't say anything else. I was still</p> <p>23 just driving.</p>



Page 57

1 Q. While all this was going on up to this  
2 point, what's Kevin doing?  
3 A. Sitting in the seat asking me, Cuz, who is  
4 this trying to run us off the road? I tell  
5 him I don't know; looks like somebody  
6 trying to rob us; I'm not going to stop.  
7 He was scared.  
8 Q. Well, I understand that you were driving  
9 the vehicle. Was he watching them?  
10 A. He wasn't watching them. He was just aware  
11 of what was going on.  
12 Q. Did he tell you at some point that the  
13 police were behind you?  
14 A. He didn't tell me that.  
15 Q. He did not tell you that?  
16 A. No, sir.  
17 Q. Well, did he ever tell you to pull over at  
18 any time?  
19 A. He didn't tell me to pull over. He's  
20 asking me who is this and what they trying  
21 to do. He just said, it looked like  
22 they're going to run us off the road and  
23 kill us if we don't pull over.

Page 58

1 (Defendant's Exhibit 6 was marked  
2 for identification.)  
3 Q. Let me show you what we'll mark as  
4 Defendant's Exhibit 6. Let me give you  
5 just a minute to look at Defendant's  
6 Exhibit 6.  
7 (Brief pause.)  
8 Q. Had you ever seen that document before  
9 today, Mr. Marshall?  
10 A. I have.  
11 Q. When did you get a chance to see that  
12 document?  
13 A. When we turned the information over.  
14 Q. Those initial disclosures; is that right?  
15 A. Yeah.  
16 Q. Now, this is a statement that Kevin gave to  
17 the police that day. And in it he says  
18 that he saw that it was the police and he  
19 advised you to pull over. Is it your  
20 testimony that he didn't tell you to pull  
21 over?  
22 A. He didn't tell me to pull over, because by  
23 the time we both realized it was the police

Page 59

1 we already had been spun off the road  
2 before we realized who it was.  
3 Q. Now, you still had the music going pretty  
4 good at that time?  
5 A. The music was going until Chris West turned  
6 it off.  
7 Q. Is it possible that you just didn't hear  
8 what Kevin was saying to you because of the  
9 music?  
10 A. It's possible.  
11 Q. All right. How long did they stay up  
12 alongside of you the second time?  
13 A. Still approximately 10 seconds.  
14 Q. Did you see a blue light this time?  
15 A. I didn't see a light.  
16 Q. Did you see a badge?  
17 A. I didn't see a badge either.  
18 Q. And you told me before that they were  
19 wearing black T-shirts. Did those black  
20 T-shirts have any writing on them?  
21 A. Not that I can recollect. I just seen it  
22 was black T-shirts.  
23 Q. What did they do after that 10 seconds of

Page 60

1 being alongside of you?  
2 A. Veered back behind me and trailed me  
3 approximately another mile and a half or  
4 two and they started to ram the vehicle.  
5 Q. Between the time that they pulled back  
6 behind you and as you described the ramming  
7 started, did you get a chance to look in  
8 your rear view mirror at them?  
9 A. I didn't look in the mirror.  
10 Q. You didn't look again?  
11 A. (Witness shakes head).  
12 Q. So you couldn't see anything that they were  
13 doing back there?  
14 A. I don't know what they was doing.  
15 Q. Let me back up again to the second time  
16 they were beside you. I might have asked  
17 you this before. If I did, I apologize.  
18 Did you say anything to the passenger that  
19 second time?  
20 A. No, sir.  
21 Q. Make any motions to him?  
22 A. I don't remember making any motions. I  
23 just remember glancing at him and keep

Page 61

1 driving.  
 2 Q. While all this was going on, where was this  
 3 gun that's in Defendant's 3?  
 4 A. Laying on the seat.  
 5 Q. About where it is in Defendant's 3?  
 6 A. Approximately somewhere.  
 7 Q. Let me show it to you again. And is  
 8 that -- you can see in the left-hand side,  
 9 is that the steering wheel?  
 10 A. Yes, sir.  
 11 Q. So it's -- is it fair to say that it's  
 12 fairly close to the driver?  
 13 A. Yes, sir.  
 14 Q. Was that gun just out in the open like  
 15 that, or was it tucked up under you  
 16 somehow? How was that gun?  
 17 A. It was down between the seat.  
 18 Q. What do you mean down between the seat?  
 19 A. Approximately somewhere around here where  
 20 it wouldn't be sliding. It was laying  
 21 there.  
 22 Q. You're pointing to the right-hand side what  
 23 looks like seat belts. Are those seat

Page 62

1 belts there?  
 2 A. Yeah.  
 3 Q. Those little black things on the right-hand  
 4 side?  
 5 A. Uh-huh (positive response).  
 6 Q. So was it -- How was it in there? You've  
 7 got it barrel down. Describe for me how  
 8 it's in between the seats there.  
 9 A. I'm certain the barrel was in there so it  
 10 wouldn't be moving pointing toward the --  
 11 back in the seat.  
 12 Q. Did you touch the gun at any time while  
 13 this pursuit was going on?  
 14 A. I don't know. I probably touched it if it  
 15 was moving or whatever, but I didn't reach  
 16 for it or nothing.  
 17 Q. Was the gun loaded?  
 18 A. Yes, sir.  
 19 Q. What kind of gun is that?  
 20 A. .357.  
 21 Q. Do you know what kind of bullets were in  
 22 it?  
 23 A. .357 hollow points.

Page 63

1 Q. At any time during this pursuit did you  
 2 pick that gun up?  
 3 A. No, sir.  
 4 Q. So it's just there kind of tucked down in  
 5 the seat?  
 6 A. Yeah. Until they was ramming. It probably  
 7 was moving when they was ramming the  
 8 vehicle. That's probably about the only  
 9 time I probably touched it.  
 10 Q. Did the gun move at any time during the  
 11 pursuit? Did it stay here until the  
 12 ramming started?  
 13 A. I'm quite sure it did. But when they was  
 14 ramming the car, my head was jerking. I'm  
 15 quite sure it was moving along with  
 16 everything else on the seat.  
 17 Q. Let's talk about the ramming. Describe for  
 18 me what you mean when you say they rammed  
 19 you.  
 20 A. Like I say, after they pulled beside me for  
 21 the second time, they veered back behind me  
 22 approximately a mile and they started  
 23 hitting -- hitting the back end of my

Page 64

1 vehicle like two or three times. Each time  
 2 it was knocking the car in a wiggling  
 3 motion off the highway.  
 4 Q. How fast were you going at that point?  
 5 A. Initially I probably was going about 55  
 6 until they started ramming me and I was  
 7 losing control of the car and I slowed down  
 8 approximately about 35, 40 miles an hour  
 9 because I didn't want the car to flip out  
 10 of control.  
 11 Q. What part of their car was striking your  
 12 car?  
 13 A. I would have to say their bumper to  
 14 bumper. I wasn't aware of the ramming  
 15 until I was hit.  
 16 Q. Okay. Was it -- And when you say ramming,  
 17 were they hitting you center on, or were  
 18 they off to one side or the other? How was  
 19 that?  
 20 A. They were hitting me center on up until the  
 21 point where they spinned me out. And  
 22 that's when they hit me on the driver's  
 23 side bumper and spinned me out of control.

Page 65

1 MR. WILFORD: Let's take a quick  
2 break. We've been going for  
3 an hour.  
4 (Brief recess was taken.)  
5 Q. Okay. When we broke, Mr. Marshall, we were  
6 talking about the ramming had begun. About  
7 how many times did the Lincoln come into  
8 contact with your car?  
9 A. First ramming I'm quite sure he rammed me  
10 twice -- two or three times. Made the car  
11 sort of lose control and then I regained.  
12 Q. That's what I want to do. I want to take  
13 them one by one so you can tell me what  
14 happened each time he made contact with  
15 you. The first time that he hit you, was  
16 that, again, head-on his front to roughly  
17 the center of your bumper; is that right?  
18 A. Yes, sir.  
19 Q. And how fast were you going at the time  
20 when he first hit you?  
21 A. I may have been going approximately 45 to  
22 55 miles an hour at the first ramming.  
23 Q. What did you do when you felt the impact?

Page 66

1 A. Well, on impact it jerked my neck and for a  
2 brief moment I lost control of the car like  
3 swerved from the ramming. And I looked in  
4 the mirror at this time to see what was  
5 going on, but I still couldn't see what  
6 they was doing back there. I drove  
7 approximately another quarter mile.  
8 Q. Hang on just a second. You said you looked  
9 back in the rear view mirror. About how  
10 long did you look?  
11 A. Just a glance up after they rammed.  
12 Q. Could you see what they were doing?  
13 A. No. I couldn't make visual what they were  
14 doing.  
15 Q. Did you see a blue light?  
16 A. No, sir.  
17 Q. Did you see any badges?  
18 A. No, sir.  
19 COURT REPORTER: Can I stop for  
20 two seconds?  
21 MR. WILFORD: Sure.  
22 (Brief pause.)  
23 Q. All right. After you got control of the

Page 67

1 car after the first hit, what, if anything,  
2 did you do?  
3 A. Continued to drive.  
4 Q. Did you slow down or speed up?  
5 A. Yeah. I slowed down.  
6 Q. How slow did you get down to?  
7 A. Probably I want to say around 30, 35 miles  
8 an hour.  
9 Q. Did you make any moves to pull the vehicle  
10 off the road?  
11 A. No.  
12 Q. You said your neck got jerked around. Did  
13 you come in contact with anything in the  
14 car?  
15 A. Not -- At that time I didn't.  
16 Q. How long did you drive at 35 miles an hour  
17 before something else happened?  
18 A. Approximately 10 seconds and got rammed  
19 again.  
20 Q. So this would be ram number two; correct?  
21 A. Yes, sir.  
22 Q. How did he hit you that time?  
23 A. Same way, bumper.

Page 68

1 Q. Center on?  
2 A. Yes, sir.  
3 Q. Do you have any estimate of how fast they  
4 were going? Let's go back to the first  
5 time he hit you. Do you have any idea how  
6 fast he was going when he hit you?  
7 A. I would estimate not too much faster than  
8 me, because they were riding my bumper the  
9 whole time.  
10 Q. So he couldn't have accelerated too much  
11 before he came in contact; right?  
12 A. I guess not.  
13 Q. What about the second time, do you have any  
14 idea how fast he was going?  
15 A. I can't approximate how fast he was going.  
16 I just know the impact was variably the  
17 same.  
18 Q. Did he stay on your bumper between the  
19 first and the second impact?  
20 A. After the first impact I don't think he was  
21 riding my bumper as close. Because like I  
22 say, I sort of lost control. He probably  
23 fell back a little until I regained control

Page 69	Page 71
<p>1 and then I felt the ram again.</p> <p>2 Q. About how far did he fall back?</p> <p>3 A. I can't say how far because I really didn't</p> <p>4 look back. I just know I was swerving and</p> <p>5 I'm quite sure he wasn't on my bumper while</p> <p>6 I'm swerving.</p> <p>7 Q. Right. When you did that glance into the</p> <p>8 rear view mirror, though, about where was</p> <p>9 he? Was he still back on your bumper? Had</p> <p>10 he fallen back?</p> <p>11 A. No. He had fell back approximately 20, 30</p> <p>12 yards after he first bumped me.</p> <p>13 Q. All right. So the second impact was about</p> <p>14 as hard as the first impact; right?</p> <p>15 A. Yes, sir.</p> <p>16 Q. What happened immediately after the second</p> <p>17 impact?</p> <p>18 A. Immediately after the second impact, the</p> <p>19 car veered a little more, and immediately</p> <p>20 following that that's when he bumped it</p> <p>21 again on my driver's side bumper and</p> <p>22 spun me out of control. That's when my</p> <p>23 head hit the steering wheel. I snatched</p>	<p>1 I was on the opposite side of the road in a</p> <p>2 daze. By the time I opened the car door</p> <p>3 they was already out of their vehicle with</p> <p>4 guns drawn.</p> <p>5 Q. Let's talk about your head hitting the</p> <p>6 steering wheel. What part of your head hit</p> <p>7 the steering while?</p> <p>8 A. My right -- left temple.</p> <p>9 Q. Right above your eye there?</p> <p>10 A. Yeah. I've still got a knot up there from</p> <p>11 it.</p> <p>12 Q. And you weren't wearing your seat belt at</p> <p>13 the time; right?</p> <p>14 A. No, sir.</p> <p>15 Q. Was that from the second hit or the spinout</p> <p>16 hit that sent your head into the steering</p> <p>17 wheel?</p> <p>18 A. Had to be the spinout, because when he hit</p> <p>19 me, it like threw me off the seat out of</p> <p>20 control and I just snatched the wheel and</p> <p>21 the car just went where it went.</p> <p>22 Q. So it went all the way across the oncoming</p> <p>23 lane; is that right?</p>
Page 70	Page 72
<p>1 the vehicle. It jumped Highway 21 and</p> <p>2 landed on the opposite side of the highway</p> <p>3 in a ditch on a spinout.</p> <p>4 Q. Okay. So you're saying that the hit where</p> <p>5 he spun you out came fairly quickly after</p> <p>6 the second ram; is that right?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Were you still going about 35 miles an hour</p> <p>9 when the spinout hit occurred?</p> <p>10 A. Yes, sir. Approximately.</p> <p>11 Q. Were you able to take any kind of</p> <p>12 corrective action with the car between the</p> <p>13 time of the second hit and the spinout hit?</p> <p>14 A. After he rammed me the second time, like I</p> <p>15 say, I guess because I wasn't going as</p> <p>16 fast, the car just like jerked. And before</p> <p>17 I can regroup, he had hit me again on the</p> <p>18 bumper. And that's when I spun out</p> <p>19 toward the bluff. My head hit the steering</p> <p>20 wheel. Knowing it's a deep bluff right</p> <p>21 here, I snatched the steering wheel, and</p> <p>22 all I know the car jumped or skid across</p> <p>23 Highway 21. Because when my head came up,</p>	<p>1 A. Yeah. It went -- When he spun me out,</p> <p>2 the car went off the bluff toward the bluff</p> <p>3 to the right of the road on two wheels. I</p> <p>4 snatched it and all I can remember is it</p> <p>5 clearing the highway or whatever. I ended</p> <p>6 on the opposite side of the road facing the</p> <p>7 way we just came.</p> <p>8 Q. So you went off to the left from your</p> <p>9 direction of travel; is that right?</p> <p>10 A. That's where --</p> <p>11 Q. Your car went to the left?</p> <p>12 A. That's where it landed.</p> <p>13 Q. Your initial direction of travel?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And the stereo was still going the whole</p> <p>16 time; right?</p> <p>17 A. Whole time.</p> <p>18 Q. Between the first time that you were hit</p> <p>19 and what we're calling the spinout hit</p> <p>20 here, did Kevin say anything to you that</p> <p>21 you heard?</p> <p>22 A. No, sir.</p> <p>23 Q. Do you recall saying anything?</p>



Page 73

1 A. I was probably mumbling to myself, they're  
 2 trying to kill me, what they doing,  
 3 something to that effect.  
 4 Q. Did you ever think to pick up that gun and  
 5 defend yourself with it?  
 6 A. No, sir.  
 7 Q. Did you have a cell phone with you that day?  
 8 A. I'm quite sure I did.  
 9 Q. Do you remember what the phone number was?  
 10 A. I don't remember.  
 11 Q. Did you try to call anybody?  
 12 A. No, sir. I didn't have time.  
 13 Q. That's a good point. From the time that  
 14 you saw that Lincoln break back on County  
 15 Road 7 until the time that you came to a  
 16 stop on Highway 21, how much time had  
 17 passed?  
 18 A. If I had to estimate, I'd approximately say  
 19 anywhere from five to 10 minutes.  
 20 Q. Did Kevin have a cell phone?  
 21 A. No, sir.  
 22 Q. All right. So in that entire five- to  
 23 10-minute period, you never picked up the

Page 74

1 phone to make a call?  
 2 A. No, sir.  
 3 Q. Never thought to call for help?  
 4 A. It's a panic situation. You think you're  
 5 getting robbed. You ain't got time to call  
 6 for no help when I'm driving.  
 7 Q. The entire time that passed between the  
 8 first time that you were hit until you were  
 9 spun out, were there any vehicles on the  
 10 road besides yours and the Lincoln?  
 11 A. I didn't meet any traffic on County Road 7,  
 12 and I don't recall meeting any traffic on  
 13 County Road 21 until after the incident was  
 14 over.  
 15 Q. Did you throw anything out the window at  
 16 any time?  
 17 A. The only thing I had in my hand was a  
 18 cigarette butt. I was smoking previous to  
 19 the whole incident. If anything was  
 20 thrown, it had to be a cigarette butt  
 21 because I didn't have anything else.  
 22 Q. Where did you throw that cigarette butt  
 23 out? Was it on County Road 7 or Highway

Page 75

1 21?  
 2 A. Probably had to be on Highway 21.  
 3 Q. What is this area here in this intersection  
 4 of 7 and 21 like? Is it built up? Are  
 5 there a lot of buildings? Is it wooded?  
 6 Give me an idea of what the area around  
 7 there looks like.  
 8 A. This area where --  
 9 Q. I tell you what. Let's start on County  
 10 Road 7 from basically where you turned off  
 11 on 16 up to 21. Are there any houses or  
 12 churches or anything like that there?  
 13 A. Well, after coming through what's called  
 14 the swamp on County Road 16, swampy area,  
 15 no houses. I don't know what's in the  
 16 woods. No houses. Two bridges. On County  
 17 Road 7 there's a church right to your  
 18 left. As soon as you turn onto it there's  
 19 a church.  
 20 Q. At the intersection of 16 and 7?  
 21 A. Yeah. That's the intersection. It's a  
 22 church there. And immediately turning on  
 23 County Road 7 I know there's a house and

Page 76

1 another house or two on your left. And  
 2 after that --  
 3 Q. Is this as you're traveling towards 21 that  
 4 you're describing for me?  
 5 A. Immediately turning onto County Road 7  
 6 approximately a quarter mile you'll run up  
 7 on a house and a trailer and approximately  
 8 two houses on your left. Then it's just  
 9 another wooded stretch and a bridge.  
 10 Q. What about on 21 where you turned right  
 11 there, what's the area like around there?  
 12 A. It's a caution light. It's a big -- two  
 13 big ponds and used to be a junkyard. Guy  
 14 owned a big house on the hill up from the  
 15 ponds and probably two older model houses  
 16 on your left. Then you've got a another  
 17 stretch -- bridge and stretch or whatever.  
 18 Q. Any churches or anything like that around  
 19 there?  
 20 A. Not right there on Highway 21. Not right  
 21 there.  
 22 Q. Any gas stations or stores?  
 23 A. Yeah. There's a store probably a quarter

Page 77	Page 79
<p>1 mile to your left from the caution light.</p> <p>2 Q. Going back towards Braggs?</p> <p>3 A. Yeah. Going back towards Braggs.</p> <p>4 Community store right there.</p> <p>5 Q. What about in the direction that you</p> <p>6 traveled on 21, are there any stores or gas</p> <p>7 stations or anything like that?</p> <p>8 A. The direction I traveled that day going</p> <p>9 home?</p> <p>10 Q. Yes, sir.</p> <p>11 A. No gas station. No store.</p> <p>12 Q. And your house is on Highway 21?</p> <p>13 A. Right off the dirt road. Turn right off of</p> <p>14 21.</p> <p>15 Q. About how far back off of 21?</p> <p>16 A. Just a couple hundred yards.</p> <p>17 Q. Are there any other houses around that one?</p> <p>18 A. Yeah. It's a couple houses right at the</p> <p>19 caution light about a quarter -- about 2,</p> <p>20 300 yards from where I live, caution light,</p> <p>21 and there's a couple more residences in the</p> <p>22 area.</p> <p>23 Q. Is that a different caution light than the</p>	<p>1 Exhibit 2. Is that where your car came to</p> <p>2 rest? Does that depict where your car came</p> <p>3 to rest after being spun out?</p> <p>4 A. Yes, sir.</p> <p>5 (Defendant's Exhibits 7 and 8 was</p> <p>6 marked for identification.)</p> <p>7 Q. I'm going to show you a couple more</p> <p>8 pictures here. I want to show you what</p> <p>9 we're going to mark as Defendant's 7 and 8</p> <p>10 and let you and your lawyers take a look at</p> <p>11 those pictures. Now, do those pictures</p> <p>12 also show the way your car wound up on</p> <p>13 Highway 21 on June 28th, 2005?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And we can also see another car in</p> <p>16 Defendant's 7 and 8. Is that the Lincoln</p> <p>17 that you've been describing?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Is that how the Lincoln wound up after you</p> <p>20 were spun out?</p> <p>21 A. They pulled down in the direction. They</p> <p>22 pulled off the road in front of me.</p> <p>23 Q. And then they turned around and came back;</p>
Page 78	Page 80
<p>1 one you've been telling me about on 7/21?</p> <p>2 A. Yeah.</p> <p>3 Q. So that's further on down?</p> <p>4 A. Yeah. Right down from my home there's</p> <p>5 another caution light right down there.</p> <p>6 Q. You're pointing right about where 21</p> <p>7 intersects the Lowndes/Wilcox County line.</p> <p>8 A. Yeah.</p> <p>9 Q. I'm just trying to describe for the record</p> <p>10 where you were pointing.</p> <p>11 A. Wilcox County line actually was about a</p> <p>12 mile from the --</p> <p>13 Q. From your home or from where you wound up?</p> <p>14 A. From my home.</p> <p>15 Q. How far were you from your home when you</p> <p>16 were spun out?</p> <p>17 A. Approximately a mile.</p> <p>18 Q. Did your car hit anything when it was spun</p> <p>19 out other than the Lincoln?</p> <p>20 A. Probably embankment is all I can say.</p> <p>21 Q. Didn't hit a mailbox or --</p> <p>22 A. No. It's no mailbox in the area.</p> <p>23 Q. And we showed you already Defendant's</p>	<p>1 is that right?</p> <p>2 A. No. They pulled down after -- This is</p> <p>3 where I landed.</p> <p>4 Q. Right.</p> <p>5 A. And by the time my head is up off the</p> <p>6 steering wheel, my door -- they had already</p> <p>7 pulled down and standing in the doorway</p> <p>8 with guns drawn.</p> <p>9 Q. That's -- Actually you make a good point</p> <p>10 there. Let me -- Did you see what happened</p> <p>11 to the Lincoln after it made contact --</p> <p>12 made the contact with your vehicle that</p> <p>13 spun you out?</p> <p>14 A. No. Once I went spinning, I didn't see</p> <p>15 anything else until the car came to rest.</p> <p>16 And like I say, my head hit the steering</p> <p>17 wheel. I had like a daze. And when I</p> <p>18 leaned back and opened my eyes, the Lincoln</p> <p>19 was pulling down right there and they</p> <p>20 jumped out of the car with pistols drawn.</p> <p>21 I didn't have an opportunity to get out. I</p> <p>22 just opened the door and they was already</p> <p>23 up.</p>

Page 81

- 1 Q. So you saw the Lincoln -- I want to make  
2 sure I got you right. You saw the Lincoln  
3 come to that position that we see it in in  
4 Defendant's 7 and 8; is that right?  
5 A. Yeah. I saw it pull down.  
6 Q. And is that where that car was when, as you  
7 described, they got out with their guns  
8 drawn?  
9 A. Yes, sir.  
10 Q. So the two cars in 7 and 8 are where they  
11 were at that time that they got out and  
12 drew down on you; is that right?  
13 A. Yes, sir.  
14 Q. Defendant's Exhibit 7, that's the rear of  
15 your car; correct?  
16 A. Yes, sir.  
17 Q. What is that license plate?  
18 A. BRich3.  
19 Q. That's a personalized plate; is that right?  
20 A. Yes, sir.  
21 Q. Did you select that?  
22 A. Yes, sir.  
23 Q. What does that mean?

Page 82

- 1 A. Just a nickname. I had the same license on  
2 two other vehicles. That's just the third  
3 vehicle I had purchased. I had another  
4 Nova.  
5 Q. So your nickname is B Rich; is that right?  
6 A. Uh-huh (positive response).  
7 Q. Where does that come from?  
8 A. Just a nickname. Gained a little weight  
9 over the years. People started calling me  
10 Big Rich. I used to be a skinny guy.  
11 Q. I got you. So the Rich is short for  
12 Richard?  
13 A. Yeah.  
14 Q. I got you. So you at some point had  
15 vehicles that had BRich1 and BRich2 on  
16 them?  
17 A. Yeah.  
18 Q. When you hit your head on the steering  
19 wheel, did it get cut?  
20 A. No, sir. Just a knot.  
21 Q. All right. You saw the Lincoln pull up to  
22 where we see it on 7 and 8 and they got out  
23 with guns drawn. Did both officers get out

Page 83

- 1 with guns drawn?  
2 A. Yes, sir.  
3 Q. You saw the guns, then, at that time?  
4 A. Yes, sir.  
5 Q. Now, when they got out -- and I want to  
6 make sure I understood what you told me --  
7 were you still inside the car or had you  
8 gotten out?  
9 A. No. I hadn't gotten out. When they was  
10 rolling up and jumped out of the car with  
11 guns, I hadn't had an opportunity to get  
12 out. I had opened the door, but like I  
13 say, I was in a daze. And I got out of the  
14 car after that and that's when they started  
15 yelling commands. At that time is where I  
16 seen a shield or whatever they had hanging  
17 around their neck.  
18 Q. Both of them?  
19 A. Well, I know I saw the passenger because he  
20 was more out, which was Chris West. He was  
21 on the passenger's side at this time. I  
22 really couldn't see what Mr. Hutson had on.  
23 Q. Chris West was on the passenger side when

Page 84

- 1 you saw him?  
2 A. Yeah.  
3 Q. And where was Hutson?  
4 A. On the other side of the door.  
5 Q. On the driver's door?  
6 A. Uh-huh (positive response).  
7 Q. Did you see how they got to that position?  
8 Because I think you told me earlier that  
9 Chris was driving.  
10 A. No. I didn't say he was driving. I said  
11 that they got out with their guns drawn. I  
12 never said Chris was driving because Shawn  
13 Hutson was on the passenger side. But all  
14 I knew is when I leaned up Chris West was  
15 on this side of the car because he's the  
16 one that took me down. Shawn Hutson was on  
17 the other door.  
18 Q. Okay. I'm a bit confused here, so we've  
19 got to get this right. When the car pulled  
20 up alongside of you twice, it was Shawn  
21 Hutson who was gesturing at you to pull  
22 over; right?  
23 A. Yeah.

Page 85	Page 87
<p>1 Q. And he was on the passenger's side; right?</p> <p>2 Is that right?</p> <p>3 A. I understood it to be him. I know it was a</p> <p>4 skinnier guy.</p> <p>5 Q. I understand you didn't know him at the</p> <p>6 time.</p> <p>7 A. Uh-huh (positive response).</p> <p>8 Q. And Chris and Shawn were the only two in</p> <p>9 the Lincoln; right?</p> <p>10 A. Yes, sir. The only two.</p> <p>11 Q. So doesn't that basically mean that Chris</p> <p>12 had to have been driving?</p> <p>13 A. Yeah. I guess he was driving, yeah.</p> <p>14 Q. So let me go back to my question. Did you</p> <p>15 see how it was that Chris wound up on the</p> <p>16 passenger's side of the car after you were</p> <p>17 spun out and Shawn wound up on the driver's</p> <p>18 side?</p> <p>19 A. I didn't see that, but it was Chris West</p> <p>20 that was on the passenger's side with the</p> <p>21 gun on me.</p> <p>22 Q. And you said you saw the shield on Shawn;</p> <p>23 is that right?</p>	<p>1 A. (Witness nods head).</p> <p>2 Q. When they told you to get on the ground,</p> <p>3 did you get on the ground?</p> <p>4 A. No, sir.</p> <p>5 Q. Why did you not get on the ground?</p> <p>6 A. Because I was agitated. I didn't know what</p> <p>7 was going on, why this was happening. But</p> <p>8 I still had my hands on top of the door</p> <p>9 letting them know I wasn't posing a threat,</p> <p>10 but I just didn't feel like getting on the</p> <p>11 ground at the time.</p> <p>12 Q. Did you say anything to them?</p> <p>13 A. I'm quite sure I did.</p> <p>14 Q. What did you say?</p> <p>15 A. Why y'all doing this, what's going on,</p> <p>16 something to that effect, what's this all</p> <p>17 about.</p> <p>18 Q. At this point you'd seen the badge on</p> <p>19 Chris; right?</p> <p>20 A. Yeah, I saw it.</p> <p>21 Q. So you knew they were police at this time;</p> <p>22 right?</p> <p>23 A. I did.</p>
Page 86	Page 88
<p>1 A. Saw the shield on Chris. I really couldn't</p> <p>2 see --</p> <p>3 Q. Keep me straight. Shield on Chris. Did</p> <p>4 you get out of the car on their command or</p> <p>5 on your own?</p> <p>6 A. Well, after -- Like I say, they was already</p> <p>7 out. They may have commanded me, but I was</p> <p>8 dizzy in the head. I got out of the car</p> <p>9 and stood in the door with my hands up.</p> <p>10 And I was asking them what's going on, and</p> <p>11 they were just telling me, get on the</p> <p>12 ground, get on the ground, get on the</p> <p>13 ground.</p> <p>14 Q. So you could hear them now; right?</p> <p>15 A. Yeah. I could hear them.</p> <p>16 Q. Music still going?</p> <p>17 A. Still going.</p> <p>18 Q. But now you can hear them?</p> <p>19 A. Yeah. I'm out of the car.</p> <p>20 Q. At this time is the gun that was in your</p> <p>21 car where it is in Defendant's 3?</p> <p>22 A. Yes, sir. It was laying there.</p> <p>23 Q. Just like that?</p>	<p>1 Q. What did they say, if anything, when you</p> <p>2 said what you said to them?</p> <p>3 A. Shawn Hutson, he wasn't focusing on me. He</p> <p>4 didn't say anything. Chris West was just</p> <p>5 saying get on the ground. He said a couple</p> <p>6 of dirty words, too; get on the ground, get</p> <p>7 on the ground, get on the ground. And he</p> <p>8 just eased up on me and slammed me to the</p> <p>9 ground.</p> <p>10 Q. You said Shawn wasn't focused on you. What</p> <p>11 was he doing?</p> <p>12 A. He was more or less watching my cousin.</p> <p>13 Q. After y'all came to a stop, what did Kevin</p> <p>14 do?</p> <p>15 A. I really couldn't tell you what he was</p> <p>16 doing. I was focusing on them. After the</p> <p>17 car came to a stop and they drew out, my</p> <p>18 attention was on them. So I really don't</p> <p>19 know what he was doing.</p> <p>20 Q. Well, when was the next time that you</p> <p>21 became aware of what Kevin was doing?</p> <p>22 A. When Shawn Hutson came around and got him</p> <p>23 out of the car and put him in cuffs.</p>



Page 89

1 Q. Was that before or after Chris West had  
2 approached you?  
3 A. He had already came along and subdued me.  
4 Q. Other than commanding you to get on the  
5 ground initially, did Chris or Shawn say  
6 anything else?  
7 A. At that time I can't recollect. Up until  
8 the point where he -- Chris West put me on  
9 the ground I can't recall anything they  
10 said besides get down.  
11 Q. Did they identify themselves, DTF or  
12 sheriff's department or anything like that?  
13 A. They didn't identify nothing.  
14 Q. Other than the badges that they had on --  
15 well, the badge that Chris had on?  
16 A. The badge.  
17 Q. All right. You said Chris came and  
18 approached you and you were still standing  
19 up at that time; right?  
20 A. Yes, sir.  
21 Q. What happened when he got to you?  
22 A. He got to me, kick slammed me to the  
23 ground.

Page 90

1 Q. Describe that for me. You say kick slammed  
2 you to the ground. How did that happen?  
3 A. I had my hands up right above my door. He  
4 eased up on me with the gun drawn and he  
5 got close enough until he grabbed me and  
6 swept my feet with his feet and slammed me  
7 face down on the ground. He put his foot  
8 on my back and handcuffed me. Then he had  
9 his foot on my neck.  
10 Q. He cuffed you behind your back?  
11 A. Yes, sir.  
12 Q. As he was approaching you, did he say  
13 anything to you?  
14 A. I don't remember him saying anything but  
15 just get down and he walked up on me.  
16 Q. Did you say anything back to him as he was  
17 coming up on you?  
18 A. I didn't say anything then.  
19 Q. Did you ever at any time make any move back  
20 inside that car?  
21 A. No, I didn't. I was standing in the car in  
22 a daze and --  
23 Q. You said your hands were up on top of the

Page 91

1 car. Were they on top of the --  
2 A. Top of the door. I was standing in the  
3 door with my hands like this (indicating)  
4 so he can clearly see.  
5 Q. We're going to look at Defendant's 2  
6 again. You can see here you've got both  
7 the driver's side front and rear door  
8 open. I'm sure the driver's side rear door  
9 wasn't open while all this was going on;  
10 right? That was later?  
11 A. Yes, sir.  
12 Q. Was the front door open about like it is --  
13 A. Yes.  
14 Q. -- while this initial confrontation between  
15 you and the officers was going on?  
16 A. Yes, sir. I was standing in my doorway  
17 with my hands up right here on top while  
18 they was drawn and commanding me.  
19 Q. Did anybody give any commands to Kevin that  
20 you heard?  
21 A. Like I say, I really can't recall any  
22 commands being given to Kevin, because the  
23 music is still loud and I'm just focusing

Page 92

1 on this gun is drawn on me and I can  
2 clearly see what he's doing.  
3 Q. Now, at the point from where Chris drew  
4 down on you until he came up on you, you  
5 got a pretty good look at him; right?  
6 A. Uh-huh (positive response).  
7 Q. What else did he have on him, if anything,  
8 as far as on his person? Did you see any  
9 equipment belt or anything like that?  
10 A. Only thing I can recognize is he had on a  
11 black T-shirt with the shield and he had on  
12 regular short pants like I had on, tennis  
13 shoes or something to that effect.  
14 Q. Did you see anything on his belt?  
15 A. I can't recall. I wasn't paying any  
16 attention to that. All I was focusing on  
17 was the gun on me.  
18 Q. From the time Chris initially yelled at you  
19 to get on the ground until the time that he  
20 approached you and as you said foot-swept  
21 you and cuffed you, did he do anything else  
22 that we haven't talked about?  
23 A. Not from the time he came from there and

Page 93

1 foot-swept me on the ground he didn't.  
 2 Q. After you were in cuffs and on the ground,  
 3 I think you told me earlier that's when  
 4 they cuffed Kevin; right?  
 5 A. Yes. Shawn Hutson went and pulled him out.  
 6 Q. Were you able to see that --  
 7 A. Yes.  
 8 Q. -- from where you were?  
 9 A. Yeah.  
 10 Q. How were you -- Let's go back to  
 11 Defendant's Exhibit 2 again. Once you were  
 12 cuffed and on the ground, can you show me  
 13 how you were laying by referencing  
 14 Defendant's 2?  
 15 A. Well, when he foot-swept me and kicked me  
 16 on the ground, I was laying out toward --  
 17 like in this direction headed toward this  
 18 direction.  
 19 Q. So you're out --  
 20 A. Out from the door.  
 21 Q. -- to the lower part of the picture  
 22 underneath the door -- the front door?  
 23 A. Out from the door, yeah.

Page 94

1 Q. Is that with your head facing back towards  
 2 Highway 21?  
 3 A. My head is out this way where I can see  
 4 Highway 21 and I can see in my car.  
 5 Q. Looking at Defendant's 2, where is the  
 6 Lincoln at? Can you point for me the  
 7 general direction the Lincoln was in?  
 8 A. The Lincoln was still up here at the front  
 9 where it was.  
 10 Q. You're kind of pointing off to the  
 11 left-hand side of Defendant's 2 kind of in  
 12 the middle; is that right?  
 13 A. Up in front of the vehicle where it was  
 14 resting on the other picture. The Lincoln  
 15 was still there.  
 16 Q. How did Kevin get out of the car?  
 17 A. Shawn Hutson pulled him out of it.  
 18 Q. I understand that. But what side of the  
 19 car did he come out of?  
 20 A. Passenger's side.  
 21 Q. So Shawn came around to the passenger's  
 22 side of the car and took him out?  
 23 A. Yes, sir.

Page 95

1 Q. How did he take him out? Describe that  
 2 process for me.  
 3 A. Only thing I can see he grabbed him and  
 4 pulled him out of the car.  
 5 Q. Was it through an open door or through the  
 6 window?  
 7 A. The door. The door was open.  
 8 Q. And what did he do to him once he pulled  
 9 him out of the car?  
 10 A. Put him in handcuffs and set him up there  
 11 on that hill.  
 12 Q. Where we see him in Defendant's 7 and 8?  
 13 A. Yeah.  
 14 Q. Did he pretty much stay there for the rest  
 15 of the time until he was taken from the  
 16 scene?  
 17 A. Yes, sir.  
 18 Q. All right. Once Kevin was cuffed, what  
 19 happened?  
 20 A. Chris West got me up off the ground and put  
 21 me back upside my car door. My back door  
 22 wasn't open at the time. My back is  
 23 against my door and in cuffs, and he

Page 96

1 started asking me, you ain't seen the  
 2 badge, you ain't see this, you ain't see  
 3 that. I said, man, I ain't seen nothing  
 4 but the gun. He didn't like what I was  
 5 saying, so he grabbed my pants and he  
 6 shoved me against the car. I said, man,  
 7 what you doing. He started going in my  
 8 pockets. I know he took my wallet out. I  
 9 didn't even see him take the money out. He  
 10 took my wallet out, open it up, throw it  
 11 inside my car on the seat.  
 12 Q. Which seat? The back seat or the front  
 13 seat?  
 14 A. It was on the front seat.  
 15 Q. Did we see your wallet in any of these  
 16 pictures?  
 17 A. I didn't see it.  
 18 Q. So he searched your pants?  
 19 A. Yeah. He put his hands in all my pockets  
 20 and he came out with the wallet and looked  
 21 in it. And like I say, I didn't see him  
 22 come out with the money. But I was still  
 23 standing there. He was raving on about why



Page 97

1 I ain't stopped, this and that. I told him  
 2 I didn't know who he was; I thought you was  
 3 somebody trying to rob me. You know who I  
 4 was, this and that back and forth.  
 5 Q. Let me stop you right there. Other than  
 6 your wallet -- You said you didn't see him  
 7 take the money out?  
 8 A. I didn't see him take it out, but he put  
 9 his hand in the pocket where my money was.  
 10 I didn't see him take it out.  
 11 Q. Did he take anything else out of your  
 12 pockets?  
 13 A. Just my wallet in my sight. I saw him take  
 14 the wallet out and go through it and throw  
 15 it down.  
 16 Q. Did he search any other part of your person  
 17 other than the pockets of your pants?  
 18 A. He had -- Like I say, he had his hands  
 19 verbally in -- like in the belt part of my  
 20 pants and pulled them first like shoved me  
 21 against the car. Then he started searching  
 22 me. After that he went to the trunk of the  
 23 car and started tearing it up, opening it

Page 98

1 up.  
 2 Q. Okay. About how long did his search of  
 3 your person take?  
 4 A. I would approximately say 10 minutes.  
 5 Q. 10 minutes?  
 6 A. Approximately. Because he went through the  
 7 trunk and everything.  
 8 Q. I'm just talking about your person.  
 9 A. Oh, me?  
 10 Q. Yeah. Your person.  
 11 A. Couple of minutes. Couple of minutes.  
 12 Q. While this was going on, were you able to  
 13 see or hear what was going on with Kevin?  
 14 A. No. I ain't heard -- As far as I know,  
 15 Shawn had placed him over there sitting  
 16 down. He wasn't going nowhere.  
 17 Q. Was Shawn present while you were being  
 18 searched by Chris West?  
 19 A. Yes, sir.  
 20 Q. Was he standing there?  
 21 A. He was more or less out around the Lincoln  
 22 Town Car around the vehicle. Chris was  
 23 searching me, searching the trunk or

Page 99

1 whatever. Shawn was more or less over by  
 2 the vehicle.  
 3 Q. I'm just focusing on the time right now  
 4 while Chris was searching your person, not  
 5 the vehicle yet. Was Shawn standing  
 6 nearby?  
 7 A. I can't recollect where he was then. I  
 8 know he had got Kevin out of the car and he  
 9 wasn't in our immediate space.  
 10 Q. All right. Once he got done -- Once Chris  
 11 got done searching you, what did he do with  
 12 you, if anything?  
 13 A. I was standing right there, as I say, in my  
 14 car door. The passenger rear door is still  
 15 closed. He wanted me to get in the back  
 16 seat of the car. I said, man, you see this  
 17 tight space; I can't get in there with my  
 18 handcuffs on; I'm a big guy; I can't get in  
 19 there. He got mad and grabbed me inside my  
 20 pants and rammed me against the car and he  
 21 snatched me back. That's when my pants hit  
 22 the ground off my leg because he busted the  
 23 zipper and the button. My pants was on the

Page 100

1 ground. I said, man, what you doing. I  
 2 said, you see I can't get in there; put me  
 3 in the patrol car or whatever you're going  
 4 to do. You're going to get in here; such  
 5 and such, such and such. So at this time  
 6 cars started coming up Highway 21. He  
 7 stopped doing what he's doing, went to the  
 8 Lincoln Town Car, reached in there, got a  
 9 light. He put the light on top of the  
 10 car. The light wouldn't even work. He  
 11 beat on the light three or four times  
 12 before the light started flashing. That's  
 13 how I was able to know there was no light  
 14 present throughout the whole incident. He  
 15 put the light on the car after he had did  
 16 all this and I'm watching him doing this.  
 17 Q. You watched him take the light out of the  
 18 car and put it up on --  
 19 A. I watched him reach inside the car and come  
 20 out with a light. He stuck it on top of  
 21 the car and he beat on it three times  
 22 before it even started flashing.  
 23 Q. How much did you weigh in June of '05?

Page 101

1 A. I was probably weighing about 275, 280 back  
2 then.  
3 Q. How tall were you?  
4 A. 5-9.  
5 Q. The shorts you were wearing that day, were  
6 they tight on you? Baggy? Were you  
7 wearing them low slung?  
8 A. Just snug fit, average fit.  
9 Q. Did you have a belt on?  
10 A. No belt.  
11 Q. You were wearing boxers underneath them; is  
12 that right?  
13 A. Yes, sir.  
14 Q. You said the zipper broke on the shorts?  
15 A. The zipper bust and the button popped off,  
16 because he stuck his hands in the inside of  
17 my crotch and gripped the pants and forced  
18 me back in the car while I'm already in  
19 cuffs. Then he choked me because I was  
20 asking what he was doing. I said, man,  
21 what this all about. When I wouldn't get  
22 in the car -- That's what made me get in  
23 the back seat of the car. He verbally

Page 102

1 choked me until I couldn't breathe, and  
2 that's when I subdued and got in the back  
3 seat of the car.  
4 Q. Describe for me how he choked you.  
5 A. Doing the motion. When he slammed me  
6 against the car, I still wouldn't get in  
7 the back seat of the car because I  
8 couldn't -- it's a small car. I know I  
9 couldn't hardly get in there. And I  
10 wouldn't obey what he was doing. He said,  
11 you're going to get in the back seat of  
12 this car because traffic coming at the  
13 time. He grabbed one hand on the back of  
14 my neck some kind of full nelson choke and  
15 my head was like this (indicating). You're  
16 going to get in the car. That's what he  
17 said. You're going to get in there. And  
18 when I stopped -- couldn't breathe, I gave  
19 up and crawled in the back seat of the  
20 car. You see my legs are still out. I  
21 couldn't get my whole body in there.  
22 Q. So he had one arm in the front of your neck  
23 and one arm in the back of your neck; is

Page 103

1 that right?  
2 A. Full nelson, some type of chokehold.  
3 That's all I know. I can't describe  
4 exactly how it was. All I know I was being  
5 choked. He was in front of me and he was  
6 choking me. Cut my air off.  
7 Q. Once you got in the car, did he stop  
8 choking you?  
9 A. He stopped choking me while I was still  
10 standing there because I gave up  
11 resisting. I told him, okay, I'll get in  
12 the car because I couldn't breathe.  
13 Q. So you agreed to get in the car and he  
14 released his hold; is that right?  
15 A. Yes.  
16 Q. About how long were you in that hold?  
17 A. Long enough for my breath to get cut off.  
18 Q. Seconds? Minutes?  
19 A. Seconds. Wasn't no minutes. Seconds.  
20 Q. 10 seconds? Five seconds?  
21 A. I don't know how many seconds.  
22 Approximately five to 10 seconds.  
23 Q. We do see you in the car in these pictures;

Page 104

1 right? Let's look at Defendant's 7. Is  
2 that you in the back seat of the car there?  
3 A. Yes, sir.  
4 Q. And Defendant's 8, is that you in the back  
5 seat of the car?  
6 A. Yes, sir.  
7 Q. And I think you told me he searched your  
8 car too. Was that before or after he put  
9 you in the back seat of your car?  
10 A. I know he searched it -- the inside part  
11 with me standing right here just reaching  
12 in. I'm standing here. He just reached in  
13 and he got the keys out during that time  
14 and he went to the trunk of the car, opened  
15 it with the keys and started going through  
16 the trunk while I was standing there. And  
17 he came back and slammed the trunk or  
18 whatever and came back around.  
19 Q. At some point did he find the gun?  
20 A. Oh, he already saw the gun.  
21 Q. Tell me when you first became aware that he  
22 was aware of the gun.  
23 A. After he had slammed me down on the ground

Page 105

1 and put me in cuffs they saw the gun,  
 2 because they was making little smart  
 3 comments about the gun on the seat and this  
 4 and that.  
 5 Q. Who made the comment about the gun?  
 6 A. Shawn Hutson. Oh, he got a big gun; oh, it  
 7 ain't no cheap gun either; all this and  
 8 that. I told them it's not my gun. That's  
 9 your gun? I said, it ain't my gun, man.  
 10 Q. Had the radio been turned off at this  
 11 point?  
 12 A. Chris West turned the radio down after he  
 13 put me in cuffs.  
 14 Q. After he put you in cuffs?  
 15 A. Yeah.  
 16 Q. Is that about the same time that he found  
 17 the gun?  
 18 A. Yeah. He saw the gun right after he  
 19 reached in the car or whatever.  
 20 Q. Did he take the gun, did he move the gun,  
 21 or did he just leave it right there where  
 22 we see it?  
 23 A. He left it right there.

Page 106

1 Q. All right. Then he did a complete search  
 2 of your car; is that right?  
 3 A. He went to the trunk. He already had  
 4 visually searched the little front part,  
 5 which is not too much concealed. He went  
 6 to the trunk and that's where he did most  
 7 of the searching, moving stuff doing this  
 8 and that, whatever he was doing back  
 9 there. He came back a little while where I  
 10 was.  
 11 Q. Did he bring anything with him when he came  
 12 back up there where you were?  
 13 A. No, sir.  
 14 Q. Did he tell you that he had found anything?  
 15 A. No, sir.  
 16 Q. About how long did it take him to search  
 17 the car?  
 18 A. I'd say the whole search probably I'd say  
 19 five to 10 minutes.  
 20 Q. While Chris was searching the car, what was  
 21 Shawn doing?  
 22 A. Shawn was back toward the Lincoln Town Car  
 23 and Chris made the statement about the gun

Page 107

1 or whatever. Then Shawn came over where he  
 2 was and they were making little small talk  
 3 about the caliber and the model of the gun  
 4 or whatever, this and that.  
 5 Q. Any other conversation that you heard?  
 6 A. No, sir. After that incident, Chris West  
 7 took me up there and put me on the hill  
 8 beside Kevin.  
 9 Q. Took you back out of your car?  
 10 A. Yes, sir.  
 11 (Defendant's Exhibit 9 was marked  
 12 for identification.)  
 13 Q. I'm going to show you what we'll mark as  
 14 Defendant's Exhibit 9.  
 15 A. Uh-huh (positive response).  
 16 Q. Mr. Marshall, do you recognize what's in  
 17 Defendant's Exhibit 9?  
 18 A. Appear to be some money.  
 19 Q. Looks like it's on some carpet too; right?  
 20 A. Appear to be.  
 21 Q. Is that the same kind of carpet that you  
 22 have in your Nova?  
 23 A. My Nova doesn't even have carpet in it, so

Page 108

1 I don't know what that is.  
 2 Q. Did you have money like that that day, a  
 3 five and what looks like a bunch of ones?  
 4 A. I had \$500. If that's the money, I don't  
 5 know whose it is. It ain't mine. I had  
 6 two \$100 bills and the rest in twenties.  
 7 Q. So it's your testimony that that money  
 8 wasn't in your car that day?  
 9 A. I can't say it wasn't in my car. It may  
 10 have been Kevin's money, but it's not mine.  
 11 Q. So you don't recognize anything in  
 12 Defendant's Exhibit 9 at all?  
 13 A. It's not my money.  
 14 Q. That's not what I asked you. I understand  
 15 that you know that it's money. Do you  
 16 recognize what Defendant's Exhibit 9 shows?  
 17 A. I don't recognize that.  
 18 (Defendant's Exhibits 10 and 11  
 19 were marked for identification.)  
 20 Q. Mr. Marshall, I'm going to show you two  
 21 more pictures, Defendant's 10 and 11. Were  
 22 those pictures taken of you on June 28th,  
 23 2005?

Page 109

1 A. Yes.  
 2 Q. Is that what you were wearing at the time?  
 3 A. Yes.  
 4 Q. And that is you in those pictures; right?  
 5 A. Yes.  
 6 MR. WILFORD: Let's get something  
 7 to eat.  
 8 (Whereupon lunch recess was taken.)  
 9 Q. (Continuing by Mr. Wilford) Mr. Marshall,  
 10 you testified before we took a break that  
 11 at some point you were taken and put over  
 12 on the side of the hill there next to  
 13 Kevin; right?  
 14 A. Yes.  
 15 Q. What, if anything, happened after you were  
 16 put over there by Kevin?  
 17 A. They ran my name, his name in and --  
 18 Q. What do you mean they ran his name in?  
 19 A. Warrant check or whatever, social security  
 20 number. Ran both our names and --  
 21 Q. Did any other police units arrive?  
 22 A. Probably 30 to 45 minutes later they called  
 23 back to Hayneville for a sheriff's deputy

Page 110

1 vehicle. It arrived, which I was placed  
 2 in.  
 3 Q. I'm sorry I interrupted you. So they  
 4 called his information in?  
 5 A. Called both of us in.  
 6 Q. Anything happen after they called that in?  
 7 A. No. We just was sitting there on the grass  
 8 and they was walking around talking among  
 9 themselves. I heard them calling in for  
 10 the vehicle.  
 11 Q. Did they call over a radio or cell phone,  
 12 or how did they do that?  
 13 A. Over the dispatch (indicating).  
 14 Q. You're doing --  
 15 A. Police dispatch.  
 16 Q. Over the radio?  
 17 A. I saw them reach in the car, yeah.  
 18 Q. Could you hear what they were saying?  
 19 A. Only what I could make out of it my social  
 20 security number and name being called and  
 21 they was running or whatever over the loud  
 22 speaker.  
 23 Q. And so you sat there on the side of the

Page 111

1 hill for 30 to 45 minutes before another  
 2 vehicle came?  
 3 A. Yes. Before the police vehicle came.  
 4 Q. Anything else happen during that time  
 5 besides your information being called in?  
 6 A. Not during that time I was sitting on the  
 7 hill. Nothing happened then.  
 8 Q. So nothing happened between that time and  
 9 the time that another police unit showed  
 10 up; is that right?  
 11 A. No. Nothing happened. The only thing that  
 12 I forgot to leave out that happened is  
 13 backing up to when Chris West initially  
 14 drew down on me he did fire his weapon in  
 15 my direction.  
 16 Q. You forgot to mention that?  
 17 A. Yeah.  
 18 Q. Was that after you had a chance to talk to  
 19 your lawyers at lunchtime?  
 20 MR. LEWIS: Object.  
 21 A. I just --  
 22 MR. LEWIS: Don't discuss anything  
 23 that you and I might have

Page 112

1 talked about.  
 2 Q. I'm not asking about the substance of the  
 3 conversation. I'm just -- Were you  
 4 reminded of it at lunchtime?  
 5 A. No, I wasn't reminded of it.  
 6 Q. Well, what happened with this shooting?  
 7 A. It just -- That's the first thing -- After  
 8 he drew down, he fired the weapon before  
 9 coming to approach me.  
 10 Q. Before who approached you?  
 11 A. Before he approached me he had already  
 12 fired the weapon.  
 13 Q. Let's back up, then, and as you say  
 14 completely regroup. He got out of the car  
 15 and he had his weapon pointed at you; is  
 16 that right?  
 17 A. Yes, sir.  
 18 Q. Did he give you commands?  
 19 A. He said get on the ground or something to  
 20 that effect.  
 21 Q. And you didn't comply with those commands.  
 22 You told me that earlier; right?  
 23 A. No, I didn't comply.



Page 113

1 Q. So you were still standing there?  
 2 A. In the doorway, yeah.  
 3 Q. In the doorway of the car?  
 4 A. Uh-huh (positive response).  
 5 Q. And he fired?  
 6 A. Yeah.  
 7 Q. This was after giving you commands and you  
 8 not complying; right?  
 9 A. Yeah. He had given some kind of command.  
 10 Q. And you hadn't complied?  
 11 A. No.  
 12 Q. Where did he shoot?  
 13 A. Right out -- if I may.  
 14 Q. Sure.  
 15 A. In this general direction (indicating).  
 16 Q. We're looking at Defendant's Exhibit 2.  
 17 A. Right down past the doorway.  
 18 Q. You're making a pretty broad motion there.  
 19 A. I'm standing in the doorway, but he fired  
 20 right out from -- past the doorway in this  
 21 direction down --  
 22 Q. Towards the front of your car or --  
 23 A. I heard the bullet hit the ground. I heard

Page 114

1 the gunshot. It hit the ground somewhere  
 2 in this direction. He fired down there.  
 3 Q. Did the bullet strike the ground in front  
 4 of you or off to the side of you?  
 5 A. I can't say exactly where it struck,  
 6 gunfire. But I did hear it hit the ground  
 7 in this area right here. I heard it.  
 8 Q. How many times did he shoot?  
 9 A. One shot.  
 10 Q. And did you comply with his commands after  
 11 he shot at the ground?  
 12 A. I still had my hands up over the vehicle.  
 13 I asked him, why are you shooting at me,  
 14 what are you doing, and he was just still  
 15 saying, get on the ground, this or that,  
 16 get on the ground. That's when he was  
 17 walking up on me.  
 18 Q. Okay. So this man just fired a round at  
 19 your feet? This man that you know to be a  
 20 police officer and you still didn't do what  
 21 he said?  
 22 A. He fired at me, but I didn't -- like I  
 23 said, I didn't run out to jump on the

Page 115

1 ground. I've been arrested before. That's  
 2 why I had my hands up to show I wasn't  
 3 posing a threat. But I didn't see any  
 4 reason why he had to fire at me.  
 5 Q. Well, when you were arrested before, did  
 6 you do what the police told you to do?  
 7 A. Yeah.  
 8 Q. And you have no idea where the round hit  
 9 the ground other than it was generally  
 10 somewhere out in front of your car on the  
 11 passenger's side?  
 12 A. I can't specifically say where it hit, but  
 13 I know it was right in the direction of the  
 14 front driver's door somewhere before the  
 15 end of the car. I heard it hit the ground  
 16 when he shot.  
 17 Q. Did it kick up any dirt or grass or  
 18 anything like that?  
 19 A. Just like (indicating) quick.  
 20 Q. Did any of it hit you?  
 21 A. No. Didn't no dirt or -- it didn't hit me.  
 22 Q. All right. Up until the point that another  
 23 police vehicle arrived, have you told me

Page 116

1 everything that happened out there after  
 2 you were put on the side of the road?  
 3 A. Yeah. Up until he placed me beside Kevin.  
 4 The only other thing happened is the  
 5 vehicle pulled up and they placed me in  
 6 that vehicle and put Kevin in the Lincoln  
 7 Town Car.  
 8 Q. Let's talk about -- How many other vehicles  
 9 showed up?  
 10 A. Just one.  
 11 Q. What kind of car was it?  
 12 A. Brown Ford Crown Vic, county sheriff.  
 13 Q. It was a county sheriff's vehicle?  
 14 A. Yeah.  
 15 Q. All right. Do you know -- How many  
 16 officers showed up in that car?  
 17 A. One officer.  
 18 Q. Do you know the name of that officer?  
 19 A. No, I don't.  
 20 Q. Can you describe him for me?  
 21 A. Appeared to be a younger white guy, kind of  
 22 stocky build, Army cut.  
 23 Q. And you were placed in the back of his car?

Page 117	Page 119
<p>1 A. Yes, sir.</p> <p>2 Q. When did that occur? Was it right after he</p> <p>3 arrived, or how much time passed?</p> <p>4 A. Well, I'll say approximately 10 minutes, 15</p> <p>5 minutes max after he arrived after they</p> <p>6 figured out who was going to get in what.</p> <p>7 The guy placed me in the back of the county</p> <p>8 sheriff car and placed Kevin in the front</p> <p>9 seat of the Lincoln Town Car. And Shawn</p> <p>10 Hutson drove off in my car.</p> <p>11 Q. You watched him drive off in your car?</p> <p>12 A. Uh-huh (positive response). He left first.</p> <p>13 Q. You were still there on the scene?</p> <p>14 A. Uh-huh (positive response).</p> <p>15 Q. How long did you stay there on the scene</p> <p>16 after your car was driven off?</p> <p>17 A. Approximately five minutes.</p> <p>18 Q. Did anything happen during that five</p> <p>19 minutes?</p> <p>20 A. No. I just was driven off by the county</p> <p>21 deputy sheriff.</p> <p>22 Q. Did you leave first, or did Chris leave</p> <p>23 first?</p>	<p>1 A. This would be 263 crossing.</p> <p>2 Q. Right.</p> <p>3 A. I would say somewhere in here right down</p> <p>4 from the turn on County Road -- off County</p> <p>5 Road 7 on 21.</p> <p>6 Q. Looks like you're kind of pointing -- and</p> <p>7 correct me if I'm wrong -- about halfway</p> <p>8 between County Road 7 and your home on</p> <p>9 Highway 21.</p> <p>10 A. Right off County Road 7 probably a couple</p> <p>11 hundred feet. That's where they stopped.</p> <p>12 Q. Did they find anything?</p> <p>13 A. Not to my knowledge. I didn't see them</p> <p>14 find anything.</p> <p>15 Q. Has it come to your attention at some point</p> <p>16 later that they found anything?</p> <p>17 A. It was said that he picked a baggy up</p> <p>18 beside the road or something.</p> <p>19 Q. Did you ever see the baggy?</p> <p>20 A. No, sir.</p> <p>21 Q. How long did it take them to search on the</p> <p>22 side of Highway 21?</p> <p>23 A. I'll say approximately 15 minutes or so.</p>
Page 118	Page 120
<p>1 A. Shawn Hutson left first.</p> <p>2 Q. Yeah. We established that.</p> <p>3 A. Then I left in the deputy sheriff car. And</p> <p>4 we only went halfway up 21 when they</p> <p>5 stopped and got out of the car and started</p> <p>6 looking for something. Shawn Hutson turned</p> <p>7 around in my vehicle and came back and</p> <p>8 stopped and got out with Chris West walking</p> <p>9 down 21 appeared to be looking for</p> <p>10 something. I was in the county sheriff</p> <p>11 car. Kevin was in the Lincoln Town Car</p> <p>12 behind us.</p> <p>13 Q. All right. Where did you stop? Was it</p> <p>14 before County Road 7 or after County Road</p> <p>15 7?</p> <p>16 A. On Highway 21 right up the road. After</p> <p>17 turning on Highway 21, they stopped right</p> <p>18 there and -- all three vehicles.</p> <p>19 Q. I understand it was on Highway 21. I'm</p> <p>20 just trying to figure out. Let's go back</p> <p>21 and look at Defendant's Exhibit 5. About</p> <p>22 where on County Road 21 did they stop and</p> <p>23 look?</p>	<p>1 Q. Was Kevin there, too, in their car?</p> <p>2 A. He was in the Lincoln.</p> <p>3 Q. What happened after they got done</p> <p>4 searching?</p> <p>5 A. Chris West came back to the Lincoln, waved</p> <p>6 Shawn Hutson to go on. And the sheriff car</p> <p>7 pulled off with me and then they stopped at</p> <p>8 the store right up the road I was telling</p> <p>9 you about, Howard's Country Store. Shawn</p> <p>10 Hutson pulled up on the gas tank, put gas</p> <p>11 in my vehicle. Chris West, the deputy, and</p> <p>12 Shawn Hutson went inside the store.</p> <p>13 Probably got something to drink or</p> <p>14 whatever. I had a flat -- They had a flat</p> <p>15 on the sheriff's car. They changed the</p> <p>16 flat while I was still in the car, Chris</p> <p>17 West and the deputy sheriff.</p> <p>18 Q. There at the gas station?</p> <p>19 A. Yes, sir. They changed the flat. And</p> <p>20 Shawn Hutson, he left about 10 minutes</p> <p>21 earlier and went up 21 in my car.</p> <p>22 Q. Was your car almost out of gas?</p> <p>23 A. Yeah. It was on E.</p>



Page 121

- 1 Q. How long did that take there at the gas  
2 station for them to do all that?  
3 A. I'll say approximately another 20 minutes.  
4 Q. Was there any conversation with you that  
5 took place at that time?  
6 A. No. I was in the back seat of the patrol  
7 car the whole time.  
8 Q. Nobody talked to you?  
9 A. No, sir.  
10 Q. Did anything else happen as far as  
11 something happening to you personally while  
12 you were there at the gas station?  
13 A. No, sir.  
14 Q. Just sat there and waited for them?  
15 A. (Witness nods head). Yes, sir.  
16 Q. What happened after the gas station?  
17 A. After changing the tire, Chris West got in  
18 the Lincoln. He left first. The deputy  
19 sheriff got in and proceeded to go to the  
20 Lowndes County Detention Facility.  
21 Q. Between the gas station and the detention  
22 facility, did you have any conversation  
23 with the deputy?

Page 122

- 1 A. No. He didn't say anything.  
2 Q. Did you hear anything on the radio?  
3 A. No, sir.  
4 Q. What happened when you got to the jail --  
5 excuse me -- detention facility?  
6 A. The deputy radioed to come in through the  
7 gate and Chris West came in also. And he  
8 brought -- Deputy got me out of the back  
9 seat of the car and brought us into the  
10 facility into booking.  
11 Q. Anything out of the ordinary happen from  
12 the time you got out of the car and you got  
13 to the booking area?  
14 A. No.  
15 Q. Did you have any conversation with the  
16 deputy?  
17 A. No.  
18 Q. Who escorted you from the car to the  
19 booking area?  
20 A. The deputy.  
21 Q. What happened when you got to the booking  
22 area?  
23 A. I think Chris West told us to stand back

Page 123

- 1 toward the wall. The deputy was standing  
2 over to the right by the counter. Told me  
3 to take off -- Well, he took the cuffs  
4 off. He told me to take off jewelry,  
5 et cetera.  
6 Q. Who told you to do that?  
7 A. Chris West. Told me to take off the  
8 jewelry. So I took the jewelry off, put it  
9 on the counter. And at this point they was  
10 fixing to log whatever possessions in the  
11 booking. Chris West put what was supposed  
12 to have been my money on the counter, which  
13 I see was only five twenties, \$100 bill. I  
14 immediately asked him where is the rest of  
15 my money. The deputy reached to get the  
16 money and tried to count it. Chris West  
17 snatched it out of his hand and told him  
18 don't worry about it, put him in the hole.  
19 They put me in the hole.  
20 Q. How much did he put on the counter?  
21 A. \$100, five twenties.  
22 Q. Five twenties?  
23 A. Uh-huh (positive response).

Page 124

- 1 Q. I take it at some point you had to have  
2 been taken out of handcuffs, right --  
3 A. Yes, sir.  
4 Q. -- to take all your stuff off?  
5 A. Yes, sir.  
6 Q. When were you taken out of handcuffs?  
7 A. Not -- A couple of minutes after coming  
8 into booking after Chris got behind the  
9 desk and told them to take me out of the  
10 cuffs so I can take my belongings off.  
11 Q. Who took you out of the cuffs?  
12 A. The deputy.  
13 Q. Was there anybody present in the room  
14 besides you, the deputy, and Chris?  
15 A. Kevin. And another lady in booking was  
16 behind the desk.  
17 Q. There was a lady in booking?  
18 A. Uh-huh (positive response).  
19 Q. What about Shawn Hutson, was he present?  
20 A. Shawn Hutson wasn't in there.  
21 Q. Where was the lady that you described being  
22 in booking when the discussion of the money  
23 occurred?

Page 125

1 A. Standing right there. She was in her  
2 desk. But when Chris came in, she got up  
3 and Chris got in the desk and started  
4 getting the paper or whatever. She was  
5 standing right beside him when he put the  
6 money on the counter and I immediately  
7 said, man, that's not all my money, where  
8 is the rest of my money. And the deputy  
9 reached for it to start counting it and  
10 Chris snatched it from him and told him,  
11 don't worry about it, put him in the hole.  
12 Q. Do you remember what this lady's name was?  
13 A. I can't recall.  
14 Q. Can you describe her for me?  
15 A. I probably know her if I see her. It's  
16 been a while. I've seen her since I've  
17 been back up there. But I probably have to  
18 see her. I'm not sure if it's  
19 Ms. Cottrell. It's one of them. I don't  
20 know who is in booking. It was around  
21 two -- between two and 2:30 when we finally  
22 reached the facility that evening. From 12  
23 that evening when the incident started, it

Page 126

1 was two to 2:30 when I finally reached the  
2 building.  
3 Q. You're saying evening. 12 noon?  
4 A. It was somewhere around 12 noon when the  
5 incident began. When I finally arrived  
6 there, it was somewhere between two --  
7 after two o'clock.  
8 Q. P.m. or a.m.?  
9 A. P.m.  
10 Q. Okay. I'm just making sure.  
11 All right. Now, you made a statement  
12 about your money there, a verbal statement;  
13 correct?  
14 A. Yes, sir.  
15 Q. At any time did you ever make a written  
16 statement about your money while you were  
17 in the jail?  
18 A. No, sir.  
19 Q. Did you ever file a grievance?  
20 A. No, sir.  
21 Q. Have you ever filed a report with any  
22 police agency about your money being taken?  
23 A. No, sir.

Page 127

1 Q. Did you ever talk to the sheriff about it?  
2 A. No, sir.  
3 Q. Did you ask for any medical attention?  
4 A. I did upon going to jail, but I never did  
5 get any.  
6 Q. When did you first ask for medical  
7 attention?  
8 A. Approximately the next morning I told them  
9 I had a headache and I had bumped my head;  
10 I had lacerations on my wrists from the  
11 cuffs being tight; I need to see a doctor;  
12 but no response.  
13 Q. How did you ask to get treatment?  
14 A. They have a -- press the button for verbal  
15 -- response and you have to fill out a paper,  
16 a request or something for it. But I never  
17 did get a chance to go.  
18 Q. Did you fill out the paper?  
19 A. Actually, I don't even recall. I can't  
20 really be certain. But I know I mashed the  
21 intercom to request a doctor.  
22 Q. Do you know who you would have spoken to?  
23 A. At the time it was just the jailer on duty

Page 128

1 in the booth, whoever was in the booth at  
2 that time.  
3 Q. And you don't know who that is?  
4 A. I can't recall.  
5 Q. Was that the only time you asked?  
6 A. Yes. After I didn't get no reply, I just  
7 left it alone.  
8 Q. Was there anyone who witnessed you asking  
9 for medical attention besides the person  
10 you talked to in the booth?  
11 A. Inmates.  
12 Q. Do you recall any of their names?  
13 A. I don't really -- didn't know anybody in  
14 there. Just dayroom area people. I don't  
15 know any of them.  
16 Q. You didn't know any of them at the time?  
17 A. Not the present day when I requested  
18 medical treatment.  
19 Q. Have you spoken to anybody who was an  
20 inmate in there with you since then?  
21 A. No.  
22 Q. As you sit here today, you can't tell me  
23 any names of any of the inmates who were in

Page 129

1 there with you?  
 2 A. Maybe one or two that I got to know while I  
 3 was in there, but I haven't seen them since  
 4 I made bond.  
 5 Q. Who are they?  
 6 A. I know Joshua Bullard. He was in there. I  
 7 know it was somebody else in there I knew.  
 8 I can't really recall right now off the top  
 9 of my head.  
 10 Q. How long were you in the jail after being  
 11 placed in there on the 28th of June?  
 12 A. I made bond August 5th.  
 13 Q. How did you make bond?  
 14 A. Bail bondsman.  
 15 Q. Who arranged that?  
 16 A. My girlfriend and me.  
 17 Q. Who was your girlfriend?  
 18 A. Ernestine Powell.  
 19 Q. Ernestine?  
 20 A. Uh-huh (positive response).  
 21 Q. Powell?  
 22 A. Yes, sir.  
 23 Q. Are you still in contact with Ms. Powell?

Page 130

1 A. Yes.  
 2 Q. Where does she live?  
 3 A. Greenville.  
 4 Q. Have you got an address?  
 5 A. 22 Cherrywood Lane. She was on my bond.  
 6 Q. Did she put up the money?  
 7 A. Half of it.  
 8 Q. Half?  
 9 A. (Witness nods head).  
 10 Q. How much was your bond?  
 11 A. Initially 10,000. 10,000.  
 12 Q. There's an allegation in your amended  
 13 complaint at paragraph 39 that an aunt  
 14 tried to do a property bond for you. Who  
 15 was that aunt?  
 16 A. Marzett Wright.  
 17 Q. Can you spell that first name for me?  
 18 A. M-A-R-Z-E-T-T.  
 19 Q. W-R-I-G-H-T?  
 20 A. Yes, sir.  
 21 Q. Where does she live?  
 22 A. Mosses Highway.  
 23 Q. Do you have an address for that?

Page 131

1 A. Not right off the top of my head I don't.  
 2 Q. Was it her property that she was going to  
 3 put up for you?  
 4 A. Yes, sir.  
 5 Q. Do you know where that property is?  
 6 A. It's in Mosses.  
 7 Q. Is it her residence?  
 8 A. Yeah. Brick home.  
 9 Q. What happened with that?  
 10 A. From my understanding I talked with her  
 11 three times on the phone. She told me that  
 12 she contacted Sheriff Vaughner and he told  
 13 her that on first account that he would  
 14 give it some thought. Second account he  
 15 said -- he just blew it off. And the third  
 16 time he seen her that Wednesday and asked  
 17 him was he going to let her sign my bond.  
 18 He told her something to the effect I'm  
 19 going to let him sit there a while; I'll  
 20 have to think about it. And after that I  
 21 didn't even get in contact with her  
 22 anymore. She wouldn't try to do it, I  
 23 guess.

Page 132

1 Q. That's what supposedly Sheriff Vaughner  
 2 told her?  
 3 A. Yeah. That's what she told me Sheriff  
 4 Vaughner told her. She's the county  
 5 commissioner over District 5.  
 6 Q. Do you know what the value of her property  
 7 is there in Mosses?  
 8 A. Not exactly. I know it's a Jim Walter Home  
 9 she had purchased some years ago.  
 10 Q. Did she own it outright?  
 11 A. Yes, sir.  
 12 Q. Did you ever personally speak with Sheriff  
 13 Vaughner about your bond?  
 14 A. I requested to talk to Sheriff Vaughner but  
 15 never came through with the request. But  
 16 one day he did happen to come in the back  
 17 area where I did verbally ask him why  
 18 wouldn't he let my aunt sign my bond, and  
 19 he act as if he didn't know what I was  
 20 talking about. He told me, you give her a  
 21 call and he'll see what he can do. That's  
 22 what he told me that day.  
 23 Q. When was that?

Page 133

1 A. Approximately a week after I had been in  
2 there, after she told me she had did all of  
3 that.  
4 Q. Okay. Did you have any visitation while  
5 you were in jail?  
6 A. Yes.  
7 Q. Who came to visit you?  
8 A. My aunt came once to retrieve my jewelry  
9 and the \$100.  
10 Q. Is that the same aunt that was going to put  
11 up the house?  
12 A. Shirley Marshall. It's my aunt. It's who  
13 I released \$99 to because I took a dollar  
14 for two aspirin I took in there. She took  
15 my jewelry and \$99 off the book to go  
16 toward my bond.  
17 (Defendant's Exhibit 12 was marked  
18 for identification.)  
19 Q. Since we're talking about that, let me show  
20 you Defendant's Exhibit 12. Have you ever  
21 seen Defendant's Exhibit 12 before,  
22 Mr. Marshall?  
23 A. Yes. I had to sign that to release my

Page 134

1 jewelry and the money.  
2 Q. That's your signature there?  
3 A. Yes, sir.  
4 Q. And that's where Ms. Marshall came and  
5 picked up your property and your \$99.50 it  
6 says?  
7 A. Yes, sir.  
8 Q. Anybody else besides Ms. Marshall come and  
9 visit you?  
10 A. Girlfriend, Ernestine.  
11 Q. Anyone else?  
12 A. If anyone else came, I never saw them.  
13 Q. And you were able to make some telephone  
14 calls because you were telling me about  
15 talking to your Aunt Wright.  
16 A. Yes, sir.  
17 Q. Did you make any other telephone calls -- I  
18 tell you what. Let's back up and talk  
19 about the 28th of June when you were  
20 initially brought to the detention  
21 facility. Were you able to make a phone  
22 call that day?  
23 A. Yeah.

Page 135

1 Q. Who did you call?  
2 A. My aunt, Shirley Marshall.  
3 Q. Shirley Marshall?  
4 A. Yes, sir.  
5 Q. And what did y'all talk about?  
6 A. I told her that I had been arrested and I  
7 needed her to come up here and see could  
8 she get me out.  
9 Q. And what did she say?  
10 A. Asked me what happened and where is she  
11 going to get the money from. I told her to  
12 come get my money and come get my jewelry  
13 and pawn it and try to get some bail when I  
14 get -- when I get a bond.  
15 Q. What kind of telephone did you use to make  
16 that call?  
17 A. Phone right there on the desk.  
18 Q. Just a regular old phone?  
19 A. I guess the office phone they use in  
20 booking. The phone in booking.  
21 Q. Do they have phones in the detention  
22 facility back in the dayroom areas and the  
23 cell blocks?

Page 136

1 A. Yes, sir.  
2 Q. Did you ever make any phone calls on those  
3 phones?  
4 A. Yes, sir.  
5 Q. How does that work?  
6 A. Got to call collect and get somebody on the  
7 other end to accept.  
8 Q. And who did you call on that phone -- on  
9 those phones?  
10 A. In the back?  
11 Q. Yes, sir.  
12 A. Called Marzett Wright a couple of times. I  
13 called my uncle. Uncle tried to post  
14 bond. Didn't come through.  
15 Q. Which uncle was that?  
16 A. My father -- father's brother from New  
17 York. Now stays in Selma.  
18 Q. What's his name?  
19 A. John -- I want to say John Cowans. Call  
20 him Bip.  
21 Q. Bip?  
22 A. Yeah. That's all I know him from my  
23 childhood. Just moved from New York about



Page 137

1 three years ago.  
 2 Q. Anybody else?  
 3 A. I called Shirley and her daughter on  
 4 three-way. That's mostly who I was getting  
 5 to call. And I had her to call my lawyer,  
 6 Charlotte, and go to Charlotte's office for  
 7 me.  
 8 Q. Who is Shirley's daughter? You said her  
 9 daughter.  
 10 A. Cherry Marshall.  
 11 Q. How old is she?  
 12 A. Just estimating. I don't know. She go  
 13 along with Kevin. However old Kevin is.  
 14 I'm the oldest of all of them. However old  
 15 he is. 20-something. They're the same  
 16 age.  
 17 Q. Did anything happen to you while you were  
 18 there at the detention facility?  
 19 A. Nothing physical, no.  
 20 Q. And you said you were there until the 5th  
 21 of August; is that right?  
 22 A. Yes, sir.  
 23 Q. And you were released on bond?

Page 138

1 A. Yes, sir.  
 2 Q. You didn't miss any work while you were in  
 3 the jail; right?  
 4 A. I wasn't working at the time.  
 5 Q. So you didn't miss any work?  
 6 A. No.  
 7 Q. What happened after you got out of jail?  
 8 A. Started trying to get a lawyer to see what  
 9 was going on with the charges.  
 10 Q. What charges did you have as a result of  
 11 the June 28th incident?  
 12 A. Pistol carrying without a permit and  
 13 possession of a controlled substance.  
 14 Q. What was the controlled substance?  
 15 A. I don't know. That's all they told me,  
 16 possession of a controlled substance.  
 17 Q. They never told you what it was?  
 18 A. No, sir.  
 19 Q. Did you ever have to go to trial on those  
 20 charges?  
 21 A. Yes, sir.  
 22 Q. What happened at trial?  
 23 A. I came to trial with my lawyer. They

Page 139

1 called my name on the docket. And Chris  
 2 West called my lawyer in the corner and she  
 3 told me that he was throwing it out and I  
 4 can go home.  
 5 Q. That Chris West was throwing it out?  
 6 A. That's who she was in the corner and, you  
 7 know, had a little mediation with and came  
 8 back to me.  
 9 Q. Did you ever learn why it was thrown out?  
 10 A. No. I ain't ever known. No. She just  
 11 told me they was throwing it out. He asked  
 12 her permission to come speak to me and told  
 13 me I can pick my vehicle up the next day,  
 14 which they had it impounded since that  
 15 incident. This was January 4th or 5th I  
 16 want to say before the 6th when I went to  
 17 court.  
 18 Q. Was there any damage to your vehicle?  
 19 A. Yeah. Knocked out of alignment. Pipes was  
 20 hanging down.  
 21 Q. What kind of pipes?  
 22 A. Exhaust. Exhaust pipe was rattling. Rear  
 23 bumper bent.

Page 140

1 Q. Can you show me where on the pictures?  
 2 A. You can see right there the bumper is bent  
 3 up on the light where he rammed me at. And  
 4 you can't really tell, but after I got it  
 5 back out of the pound, it just drive like  
 6 it wasn't the same car no more.  
 7 Q. Looks like when you were describing where  
 8 he hit you it was the -- was it the back --  
 9 A. Yeah. It was pushed up.  
 10 Q. -- driver's side right underneath the  
 11 taillight there?  
 12 A. And it have been also burglarized while it  
 13 was in the pound. All the music equipment  
 14 was stolen out, radio. The lock was  
 15 jimmied out and the side glass was broke.  
 16 Q. Where was the impound at?  
 17 A. Randy's Impound in Ft. Deposit.  
 18 Q. Did you ever get any money out of them or  
 19 any redress for what happened to your car?  
 20 A. They told me to call Chris West.  
 21 Q. What all was taken out of the car?  
 22 A. Stereo from the inside, all speakers,  
 23 woofers and amps out of the trunk, CDs,

Page 141

1 et cetera.  
 2 Q. Anything else?  
 3 A. That's it.  
 4 Q. What happened to the gun?  
 5 A. I don't even know. All I know they stopped  
 6 the case. I don't know anything else about  
 7 it.  
 8 Q. Did they drop the charge on that too?  
 9 A. Yes.  
 10 Q. Has Mr. McWilliams ever come to you and  
 11 asked for his gun back?  
 12 A. He asked me what happened to it. I told  
 13 him it was in the car that day and as far  
 14 as I know the police got it.  
 15 Q. How many times have y'all talked about that  
 16 gun?  
 17 A. I've seen him on two or three occasions in  
 18 the past two years since the incident and  
 19 he asked me about whatever happened to his  
 20 gun and I told him as far as I know the  
 21 police got it.  
 22 Q. Well, has he blamed you for losing his gun?  
 23 A. I mean, he knows what happened that day.

Page 142

1 He ain't really pointing no blame. He just  
 2 asked me was it -- what happened, can he  
 3 go -- can he pick it up. I told him I  
 4 don't know. I went to court and they  
 5 tossed it is all I know.  
 6 Q. Do you know if he's ever tried to get it  
 7 back?  
 8 A. I don't.  
 9 Q. When's the last time you talked to him?  
 10 A. I would have to say a couple months ago.  
 11 Probably a couple months ago last incident.  
 12 Q. Did he ask you about the gun then?  
 13 A. Yeah.  
 14 Q. I'm sorry?  
 15 A. Yes, sir.  
 16 Q. Do you know who the prosecutor was in your  
 17 case?  
 18 A. I really don't even know.  
 19 Q. Other than, of course, Kevin who was in the  
 20 car with you, do you know of anybody else  
 21 who claims to have witnessed the chase from  
 22 County Road 7 up to where you wound up on  
 23 Highway 21?

Page 143

1 A. No. I don't know anybody who have  
 2 claimed. All I know it was vehicles  
 3 passing along. I'm not sure who witnessed  
 4 it. But not anyone to my knowledge that I  
 5 know.  
 6 Q. You're talking about after y'all came to a  
 7 stop on 21?  
 8 A. Yeah. After we came to a stop it was some  
 9 vehicles started passing by.  
 10 Q. Did you recognize any of those vehicles?  
 11 A. I recognized one vehicle that stopped when  
 12 I was standing beside the road in my  
 13 boxers. It was relative -- a distant  
 14 relative that stay down the road from me.  
 15 And she turned around. Actually that's  
 16 when Chris stopped doing what he was doing  
 17 to go get the light and put on top of the  
 18 car because she slowed down when she saw me  
 19 beside the road and turned around and came  
 20 back down the road and they was waving them  
 21 on. And after that she went back up the  
 22 road. I ain't see her again.  
 23 Q. What's her name?

Page 144

1 A. Margaret, Margaret Wright.  
 2 Q. Margaret Wright?  
 3 A. Yes, sir.  
 4 Q. And where does she live at? Do you have an  
 5 address?  
 6 A. Right down the road. Dutch Bend area. I  
 7 don't know the number -- address. It's  
 8 right down the road from the residence  
 9 where I was residing at the time.  
 10 Q. Which way?  
 11 A. Approximately this far from where I'm at.  
 12 It's a caution light there.  
 13 Q. She lives down by the caution light past  
 14 your house going out towards Wilcox County?  
 15 A. Yeah.  
 16 Q. Any other vehicles that you recognized pass  
 17 by that day?  
 18 A. I didn't recognize any other vehicle.  
 19 Q. Has anyone come up to you and said they  
 20 witnessed your vehicle being knocked off  
 21 the road?  
 22 A. No, sir.  
 23 Q. Do you know of anyone who has claimed to



Page 145

1 have witnessed that?  
 2 A. No, sir.  
 3 Q. And, again, I'm excluding Kevin because I  
 4 know he was involved.  
 5 Anyone besides Margaret Wright that  
 6 you're aware of who witnessed what happened  
 7 after you were stopped there at the side of  
 8 the road?  
 9 A. No, sir.  
 10 Q. Is there anyone else besides you who can  
 11 testify about the \$500 that you supposedly  
 12 had on you that day?  
 13 A. As far as I know Kevin. No one else.  
 14 Q. How would Kevin know that you had \$500 on  
 15 you that day?  
 16 A. Because the motor we was pulling out for  
 17 one I had took small -- a payment on from  
 18 my cousin. I had sold him the engine. We  
 19 was pulling the engine out of his car to  
 20 put the engine that I sold him in.  
 21 Q. You had already collected payment for that?  
 22 A. He had gave me like \$50 toward it. But he  
 23 still owed me the balance after we get the

Page 146

1 car back running. We was pulling the dead  
 2 engine out. But I had sold him an engine,  
 3 but we hadn't ever got a chance to put it  
 4 in.  
 5 Q. So that money that you had that day \$50 of  
 6 it was from him. And who is he? What's  
 7 his name again?  
 8 A. That would be Herman. His name is Herman,  
 9 the one that owned the car.  
 10 Q. \$50 from Herman and the other \$450 was left  
 11 over from your gambling winnings. Is that  
 12 what your testimony is?  
 13 A. The \$50 he had previously given me -- I had  
 14 money that I saved. It may have been the  
 15 \$50. But I had \$1,000 from gambling, you  
 16 know. That's what was left over from  
 17 everything, you know.  
 18 Q. So explain to me again how the \$50 for the  
 19 engine ties in with Kevin knowing that you  
 20 had \$500 on you.  
 21 A. Because during the time that Herman came to  
 22 purchase the engine, he gave me \$50 toward  
 23 it. Kevin would see that I reached in my

Page 147

1 pocket and had more than \$50 in my pocket.  
 2 He was staying with me at the time.  
 3 Q. So he just knows that you had more than \$50  
 4 on you?  
 5 A. Yes, sir.  
 6 Q. Is that what you're telling me?  
 7 A. Yeah.  
 8 Q. To your knowledge, does he know exactly how  
 9 much you had on you?  
 10 A. No. I don't think he knows exact amount.  
 11 He just knows I had more than that.  
 12 Q. What damages are you claiming that you're  
 13 entitled to as a result of Chris West's  
 14 conduct?  
 15 A. Well, for one I can't seem to acquire  
 16 employment since this incident. In my  
 17 field of warehousing every time I apply for  
 18 a job I'm being turned down since the  
 19 incident happened. And I usually acquire  
 20 employment very rapidly. I claim the  
 21 damage to my vehicle that I have lost, my  
 22 possessions, lost bond money, loss of time  
 23 of suffering in jail for something I didn't

Page 148

1 have.  
 2 Q. Let me stop you there real quick. Didn't  
 3 you tell me that your girlfriend put up the  
 4 bond money?  
 5 A. She put up half of it. The rest of it was  
 6 mine.  
 7 Q. How much did you put up?  
 8 A. I put up like 450 --  
 9 Q. \$450?  
 10 A. -- that I recovered from pawning my jewelry  
 11 and the money left over that I had on the  
 12 book. She put up the rest.  
 13 Q. I'm sorry. I interrupted you. The bond  
 14 money and what else?  
 15 A. Like I said, my vehicle damages I lost  
 16 there. And just me sitting in jail for  
 17 something I didn't do. I mean, it's just  
 18 unfair.  
 19 Q. You haven't had any medical expenses;  
 20 right?  
 21 A. No, sir.  
 22 Q. And you weren't employed at the time?  
 23 A. No, sir.

Page 149

1 Q. You told me that you still have the knot on  
2 your head. Are there any other permanent  
3 conditions that you have as far as your  
4 body goes as a result of what happened on  
5 June 28th?

6 A. Just that -- Just a lot of mental anguish,  
7 just suffering, anxiety attacks. A lot of  
8 nights I can't sleep at night for being  
9 shot at. I already been robbed. It took  
10 me a while to get over that. I had a gun  
11 put in my face behind that. It took me a  
12 while to get over that.

13 Q. I'm not asking about your mental condition  
14 right now. I'm just asking about your body  
15 condition. Anything besides the knot on  
16 your head?

17 A. Oh, no. Just that knot left when I hit the  
18 steering wheel, as far as that.

19 Q. Describe your mental anguish for me that  
20 you're talking about.

21 A. I just -- I just have a lot of nights where  
22 I can't sleep, just anxiety attacks a lot  
23 about the whole ordeal and --

Page 150

1 Q. Describe an anxiety attack for me.

2 A. Just nightmares of being shot at and ran  
3 off the road by the police and being  
4 suspect every time I'm being sighted in  
5 Lowndes County by the police. I'm getting  
6 strange looks. Or stopped like the  
7 incident where I went to jail. It was  
8 supposed to be a traffic stop, but they  
9 called Shawn Hutson who was on the drug  
10 task force that day. Every time they lay  
11 eyes on me they harass me about stuff like  
12 that even though I just -- I don't  
13 understand.

14 Q. Have you seen Chris West again since that  
15 day?

16 A. I haven't seen Chris West since I went to  
17 court in January '06.

18 Q. So that's the only time you saw him?

19 A. Uh-huh (positive response).

20 Q. So he hasn't pulled you over since then;  
21 right?

22 A. No. I haven't seen him.

23 MR. WILFORD: Let's take a short

Page 151

1 break.

2 (Brief recess was taken.)

3 Q. Just a few more questions, Mr. Marshall,  
4 and we'll be done. With respect to the  
5 anxiety attacks and things that you were  
6 telling me about, have you tried to get any  
7 kind of mental health treatment for that?

8 A. Well, right now I'm in dire straits. I  
9 can't afford anything. I haven't seeked  
10 any professional help for it. I've just  
11 been trying to deal with the stress, you  
12 know. Somehow I hope it goes away over  
13 time.

14 Q. You say you haven't tried. Your  
15 interrogatory responses you told us you  
16 couldn't afford it. I'm just asking you if  
17 you've tried.

18 A. No, sir, I haven't.

19 Q. Has anybody recommended to you that you try  
20 to get some mental health treatment?

21 A. I haven't referred to anybody. It's all on  
22 my own.

23 Q. After the robbery that you described for us

Page 152

1 today, did you get any mental health  
2 treatment for that?

3 A. No, sir.

4 Q. Did you try?

5 A. No, sir.

6 Q. Did anybody recommend to you that you  
7 needed it?

8 A. Just deal with my own -- on my own. I  
9 really don't have anybody but me, so I try  
10 to deal with things among myself. But it  
11 took a little time for me to get my  
12 mind-set back, you know, where I can be out  
13 around people. Everybody just -- I feel  
14 like they out to get me, you know.

15 Q. Are you set back right now as you put it?

16 A. I'm still having some anxiety attacks at  
17 night. Still can't sleep some nights. But  
18 if I'm somewhere around some people, you  
19 know, I'm fairly being compromised. I kind  
20 of cope with it.

21 Q. You told me earlier -- I need to go back on  
22 you a little more when you were first  
23 brought into booking. Chris West said

Page 153

1 something about put him in the hole.  
 2 A. Yes, sir.  
 3 Q. Were you put in a hole?  
 4 A. The holding cell up front. That's what I  
 5 meant.  
 6 Q. So you were placed in the holding cell?  
 7 A. Yes, sir.  
 8 Q. At some point you were put back in the  
 9 back; is that right?  
 10 A. I think later that night dressed me out and  
 11 took me to a cell.  
 12 Q. So you stayed in a holding cell for a few  
 13 hours?  
 14 A. Yes, sir.  
 15 Q. Is that fair to say?  
 16 A. Yes, sir.  
 17 Q. I think that's all I have. Thank you very  
 18 much.  
 19 A. Thanks.  
 20 EXAMINATION  
 21 BY MR. LEWIS:  
 22 Q. I have one question. When you're standing  
 23 up there on the side of the road in your

Page 154

1 boxer shorts, how were you feeling then?  
 2 A. Humiliated because traffic was coming along  
 3 and people seeing me beside the road in  
 4 cuffs in my underwear.  
 5 MR. LEWIS: Okay. That's it.  
 6 (Deposition was concluded at  
 7 approximately 1:55 p.m.)  
 8  
 9  
 10 \*\*\*\*\*  
 11 FURTHER DEPONENT SAITH NOT  
 12 \*\*\*\*\*  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

Page 155

1 REPORTER'S CERTIFICATE  
 2 STATE OF ALABAMA:  
 3 MONTGOMERY COUNTY:  
 4 I, Lyn Daugherty, Certified Shorthand  
 5 Reporter and Commissioner for the State of Alabama  
 6 at Large, do hereby certify that I reported the  
 7 deposition of:  
 8 RICHARD MARSHALL  
 9 who was duly sworn by me to speak the truth, the  
 10 whole truth and nothing but the truth, in the  
 11 matter of:  
 12 RICHARD MARSHALL,  
 13 Plaintiff,  
 14 vs.  
 15 CHRIS WEST, in his individual  
 16 capacity, LASHUN HUTSON, in his  
 17 individual capacity,  
 18 Defendants.  
 19 IN THE UNITED STATES DISTRICT COURT  
 20 FOR THE MIDDLE DISTRICT OF ALABAMA  
 21 NORTHERN DIVISION  
 22 Civil Action No. 2:06-cv-701-ID.CSC  
 23 on Wednesday, November 14, 2007.

Page 156

1 The foregoing 155 computer-printed pages  
 2 contain a true and correct transcript of the  
 3 examination of said witness by counsel for the  
 4 parties set out herein. The reading and signing is  
 5 hereby waived.  
 6 I further certify that I am neither of kin  
 7 nor of counsel to the parties to said cause nor in  
 8 any manner interested in the results thereof.  
 9 This 13th day of December 2007.  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

Lyn Daugherty, ACCR #66  
 Expiration Date: 9-30-2008  
 Certified Court Reporter  
 And Commissioner for the  
 State of Alabama at Large



<p><b>A</b></p> <p>able 70:11 93:6 98:12 100:13 134:13,21 about 8:7,11 12:2,10 12:11 18:7 20:12 21:3 23:3,12 24:18 29:1 30:4 34:17 35:19,22 38:8,11 39:21 42:7,16 48:9 48:12,18 61:5 63:8 63:17 64:5,8 65:6,6 66:9 68:13 69:2,8,13 70:8 71:5 76:10 77:5 77:15,19,19 78:1,6 78:11 87:17 91:12 92:22 96:23 98:2,8 101:1,21 103:16 105:3,5,16 106:16,23 107:3 112:1,2 116:8 118:21 119:7 120:9 120:20 123:18 124:19 125:11 126:12,16,22 127:1 131:20 132:13,20 133:19 134:14,19 135:5 136:23 141:6 141:15,19 142:12 143:6 145:11 149:13 149:14,20,23 150:11 151:6 153:1 above 71:9 90:3 accelerated 68:10 accept 136:7 access 28:12 account 131:13,14 ACCR 1:17 156:12 accurately 29:13 acquire 147:15,19 across 70:22 71:22 act 132:19 action 1:7 70:12 155:22 actually 11:1 18:12 78:11 80:9 127:19 143:15 addiction 23:6 address 15:2,3,12,15 15:18 21:19,21 25:14 25:15 26:10 31:13 130:4,23 144:5,7 advised 58:19 afford 151:9,16 after 5:6 26:7,22 28:6 39:14 43:10 44:3 48:21 52:23 59:23 63:20 66:11,23 67:1 68:20 69:12,16,18 70:5,14 74:13 75:13 76:2 79:3,19 80:2,11</p>	<p>83:14 85:16 86:6 88:13,16 89:1 93:2 97:22 100:15 104:8 104:23 105:12,14,18 107:6 109:15 110:6 111:18 112:7 113:7 114:10 116:1 117:2,5 117:5,16 118:14,16 120:3 121:16,17 124:7,8 126:7 128:6 129:10 131:20 133:1 133:2 138:7 140:4 143:6,8,21 145:7,23 151:23 again 6:22 49:2 53:1,2 54:10,13 60:10,15 61:7 65:16 67:19 69:1,21 70:17 91:6 93:11 143:22 145:3 146:7,18 150:14 against 95:23 96:6 97:21 99:20 102:6 age 137:16 agency 126:22 agitated 87:6 ago 31:6 44:21 132:9 137:1 142:10,11 agree 23:12,14 agreed 4:2,16,23 103:13 agreement 1:16 21:5 ahead 6:17 35:21 ahold 32:22 ain't 74:5 96:1,2,2,3 97:1 98:14 105:7,9 108:5 139:10 142:1 143:22 air 45:12,14 103:6 Alabama 1:2,18,20 2:5 2:11,21 4:8 11:23 12:7 13:7,12 155:2,5 155:20 156:14 alcohol 23:5 29:3,18,19 29:21 alcoholic 25:5 alignment 139:19 allegation 130:12 alleged 46:14 almost 120:22 alone 40:15 128:7 along 13:2 30:22 63:15 89:3 137:13 143:3 154:2 alongside 43:23 48:18 49:1,16 54:7,8,9,20 59:12 60:1 84:20 already 18:18 27:4 59:1 71:3 78:23 80:6 80:22 86:6 89:3</p>	<p>101:18 104:20 106:3 112:11 145:21 149:9 amended 46:13 130:12 among 110:8 152:10 amount 34:3 147:10 amplifiers 46:3 amps 140:23 anguish 149:6,19 another 7:4 37:15 40:7 51:22 60:3 66:7 76:1 76:9,16 78:5 79:15 82:3 111:1,9 115:22 121:3 124:15 answer 7:8 answering 6:9 anxiety 149:7,22 150:1 151:5 152:16 anybody 27:8 45:7 73:11 91:19 124:13 128:13 19 134:8 137:2 142:20 143:1 151:19,21 152:6,9 anymore 131:22 anyone 7:22 28:16 128:8 134:11,12 143:4 144:19,23 145:5,10 anything 9:8 16:22 23:22 24:19 25:2,5 40:5 43:6,9 44:16 45:22 46:2 49:17 54:12,16,19 55:1,8,9 55:14 56:21,22 60:12 60:18 67:1,13 72:20 72:23 74:15,19,21 75:12 76:18 77:7 78:18 80:15 87:12 88:1,4 89:6,9,12 90:13,14,16,18 92:7 92:9,14,21 97:11 99:12 106:11,14 108:11 109:15 110:6 111:4,22 115:18 117:18 119:12,14,16 121:10 122:1,2,11 137:17 141:2,6 149:15 151:9 anyway 46:2 anywhere 27:3,11 48:16 73:19 apologize 60:17 Appear 107:18,20 APPEARANCES 2:1 appeared 54:22 116:21 118:9 apply 147:17 approach 112:9 approached 89:2,18 92:20 112:10,11</p>	<p>approaching 90:12 approximate 68:15 approximately 1:21 20:20 25:18 31:9,16 32:21 38:16,19 39:14 44:6 48:16,20 53:7 59:13 60:3 61:6,19 63:22 64:8 65:21 66:7 67:18 69:11 70:10 73:18 76:6,7 78:17 98:4,6 103:22 117:4,17 119:23 121:3 127:8 133:1 144:11 154:7 April 17:10 20:15 area 36:23 75:3,6,8,14 76:11 77:22 78:22 114:7 122:13,19,22 128:14 132:17 144:6 areas 135:22 arm 102:22,23 Army 116:22 around 11:12 12:12 53:7,14,21 61:19 67:7,12 75:6 76:11 76:18 77:17 79:23 83:17 88:22 94:21 98:21,22 104:18 110:8 118:7 125:20 126:4 143:15,19 152:13,18 arranged 129:15 arrest 2:21 18:13 19:6 20:15 21:17 22:14 arrested 17:9 19:5 22:16 115:1,5 135:6 arrests 17:10,15 18:6 20:13 arrive 109:21 arrived 110:1 115:23 117:3,5 126:5 ashtray 31:21 32:3,8 asked 17:8 49:19 50:9 50:9,15 53:10 60:16 108:14 114:13 123:14 128:5 131:16 135:10 139:11 141:11,12,19 142:2 asking 6:8 7:5 57:3,20 86:10 96:1 101:20 112:2 128:8 149:13 149:14 151:16 aspirin 133:14 attack 150:1 attacks 149:7,22 151:5 152:16 attend 14:14 16:18 attended 14:8 attention 23:10 40:6</p>	<p>88:18 92:16 119:15 127:3,7 128:9 attorneys 2:4,9 9:8,9 28:6 August 11:12,13,22 46:20 129:12 137:21 aunt 130:13,15 132:18 133:8,10,12 134:15 135:2 aunt's 23:23 24:12 25:12 27:11 36:10 39:5 average 101:8 aware 57:10 64:14 88:21 104:21,22 145:6 away 151:12 a.m 1:21 126:8</p> <p><b>B</b></p> <p>B 82:5 back 9:18 13:8 30:1,23 31:6 32:11,23 36:11 38:12 44:4,16 46:12 49:15 51:5 55:20 60:2,5,13,15 62:11 63:21,23 66:6,9 68:4 68:23 69:2,4,9,10,11 73:14 77:2,3,15 79:23 80:18 85:14 90:8,10,16,19 93:10 94:1 95:21,21,22 96:12 97:4 99:15,21 101:1,18,23 102:2,7 102:11,13,19,23 104:2,4,9,17,18 106:8,9,12,22 107:9 109:23 112:13 116:23 117:7 118:7 118:20 120:5 121:6 122:8,23 125:17 132:16 134:18 135:22 136:10 139:8 140:5,8 141:11 142:7 143:20,21 146:1 152:12,15,21 153:8,9 backing 111:13 bad 35:20 badge 59:16,17 87:18 89:15,16 96:2 badges 66:17 89:14 baggy 101:6 119:17,19 bail 129:14 135:13 Bailey 21:13,19 balance 145:23 Baptist 16:19 barber 13:19 14:11 barbering 14:9 barrel 62:7,9</p>
--	--	--	--	--



<p>based 45:19  basically 5:23 9:4  75:10 85:11  bath 26:8  beat 100:11,21  became 88:21 104:21  before 1:16 4:6 6:1  11:23 17:9 20:20  26:6 31:2,3,6,7 40:1  42:4,8 46:15,17  53:10 58:8 59:2,18  60:17 67:17 68:11  70:16 89:1 100:12,22  104:8 109:10 111:1,3  112:8,10,11 115:1,5  115:14 118:14  133:21 139:16  began 27:13 126:5  begun 65:6  behind 43:20 48:22  49:13 52:18 57:13  60:2,6 63:21 90:10  118:12 124:8,16  149:11  being 24:14 35:14 60:1  79:3 91:22 98:17  103:4 110:20 111:5  124:21 126:22  127:11 129:10  144:20 147:18 149:8  150:2,3,4 152:19  believe 32:12 45:4  belongings 124:10  belongs 30:16  belt 18:7 28:22 71:12  92:9,14 97:19 101:9  101:10  belts 28:20 61:23 62:1  Bend 144:6  bent 139:23 140:2  beside 44:8 48:11 53:1  55:20 60:16 63:20  107:8 116:3 119:18  125:5 143:12,19  154:3  besides 17:16 28:12  45:7 55:1 74:10  89:10 111:5 124:14  128:9 134:8 145:5,10  149:15  best 37:20  between 4:3,17 5:1  21:1 26:5 27:11 60:5  61:17,18 62:8 68:18  70:12 72:18 74:7  91:14 111:8 119:8  121:21 125:21 126:6  big 12:19,21 13:3,14  56:12 76:12,13,14</p>	<p>82:10 99:18 105:6  bill 123:13  bills 33:17,18 108:6  Biloxi 34:5,7,16  Bip 136:20,21  birth 9:11  bit 38:20 53:16 84:18  black 44:9,9 56:10,11  59:19,19,22 62:3  92:11  blame 142:1  blamed 141:22  blasting 46:4  blew 131:15  blocks 135:23  blue 27:17 41:20,23  49:8,9 59:14 66:15  bluff 70:19,20 72:2,2  body 102:21 149:4,14  bogus 20:23  bond 129:4,12,13 130:5  130:10,14 131:17  132:13,18 133:16  135:14 136:14  137:23 147:22 148:4  148:13  bondsman 129:14  book 133:15 148:12  booking 122:10,13,19  122:21 123:11 124:8  124:15,17,22 125:20  135:20,20 152:23  books 31:1  booth 128:1,1,10  born 9:16,20  both 58:23 82:23 83:18  91:6 109:20 110:5  box 2:10 15:16,18 32:4  32:6,16  boxer 154:1  boxers 101:11 143:13  boys 15:22  Braggs 38:15 77:2,3  brake 52:6  brakes 39:18 40:21  41:9 43:5,15 44:3  brand 56:7  break 7:13,16 65:2  73:14 109:10 151:1  breath 103:17  breathe 102:1,18  103:12  BRich1 82:15  BRich2 82:15  BRich3 81:18  Brick 131:8  bridge 76:9,17  bridges 75:16  brief 18:1 46:10 52:6</p>	<p>58:7 65:4 66:2,22  151:2  Briefly 14:9  bring 106:11  broad 113:18  broke 65:5 101:14  140:15  Brooks 47:21  brother 136:16  brought 122:8,9  134:20 152:23  Brown 116:12  build 116:22  building 126:2  buildings 75:5  built 75:4  Bullard 129:6  bullet 32:13 113:23  114:3  bullets 32:1,3,4,7,16,23  62:21  bumped 69:12,20  127:9  bumper 49:7 53:15,15  54:1,3 64:13,14,23  65:17 67:23 68:8,18  68:21 69:5,9,21  70:18 139:23 140:2  bunch 39:20 108:3  burglarized 140:12  business 13:16,21  bust 101:15  busted 99:22  Butler 17:11 22:14,15  22:16  butt 74:18,20,22  button 99:23 101:15  127:14</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p>caliber 107:3  call 9:18 19:8 73:11  74:1,3,5 110:11  132:21 134:22 135:1  135:16 136:6,8,19  137:5,5 140:20  called 33:4 75:13  109:22 110:4,5,6,20  111:5 136:12,13  137:3 139:1,2 150:9  calling 72:19 82:9  110:9  calls 134:14,17 136:2  came 8:2 19:12 21:5  30:22 37:2 43:23  52:11 54:6,8,9 68:11  70:5,23 72:7 73:15  79:1,2,23 80:15  88:13,17,22 89:3,17</p>	<p>92:4,23 94:21 96:20  104:17,18 106:9,11  107:1 111:2,3 118:7  120:5 122:7 125:2  132:15 133:7,8 134:4  134:12 138:23 139:7  143:6,8,19 146:21  capacity 1:9,9 155:16  155:17  car 24:10,12,13 27:8,22  28:1,8,9,12,20 29:3  29:10,14 30:12,19,21  31:5 32:17 39:16,22  40:1,20,21 41:1  43:12 44:3 45:7,10  45:12 47:4 48:9  49:11 55:19 56:1  63:14 64:2,7,9,11,12  65:8,10 66:2 67:1,14  69:19 70:12,16,22  71:2,21 72:2,11  78:18 79:1,2,12,15  80:15,20 81:6,15  83:7,10,14 84:15,19  85:16 86:4,8,19,21  88:17,23 90:20,21  91:1 94:4,16,19,22  95:4,9,21 96:6,11  97:21,23 98:22 99:8  99:14,16,20 100:3,8  100:10,15,18,19,21  101:18,22,23 102:3,6  102:7,8,12,16,20  103:7,12,13,23 104:2  104:5,8,9,14 105:19  106:2,17,20,22 107:9  108:8,9 110:17  112:14 113:3,22  115:10,15 116:7,11  116:16,23 117:8,9,10  117:11,16 118:3,5,11  118:11 120:1,6,15,16  120:21,22 121:7  122:9,12,18 140:6,19  140:21 141:13  142:20 143:18  145:19 146:1,9  Carmichael 8:3,10,15  24:5 27:10  carpet 107:19,21,23  carrying 36:3 138:12  cars 43:20 55:23 56:1  81:10 100:6  case 4:18,20 5:18,19  7:14 8:7,11 9:2 39:13  141:6 142:17  casino 34:4,5,7 35:9  casinos 34:2  catch 47:12</p>	<p>caught 12:12  cause 156:7  caution 51:15 52:6  76:12 77:1,19,20,23  78:5 144:12,13  CDs 140:23  cell 73:7,20 110:11  135:23 153:4,6,11,12  cement 13:9  center 64:17,20 65:17  68:1  centered 36:23  Central 14:5  certain 33:7 42:3 62:9  127:20  CERTIFICATE 155:1  Certified 1:17 4:7  155:4 156:13  certify 155:6 156:6  cetera 123:5 141:1  chance 18:2,15 28:7  52:21 58:11 60:7  111:18 127:17 146:3  changed 15:15 120:15  120:19  changing 121:17  charge 18:23 20:21  21:6 141:8  charges 19:1 20:22,23  138:9,10,20  Charles 24:8 26:22  Charlotte 137:6  Charlotte's 137:6  chase 142:21  cheap 105:7  check 34:9 109:19  Cherry 137:10  Cherrywood 130:5  Chevrolet 27:20  child 35:14  childhood 136:23  children 15:19,21  21:12  choke 102:14  choked 101:19 102:1,4  103:5  chokehold 103:2  choking 103:6,8,9  Chris 1:8 5:20 42:4,12  42:13,16 45:5,21  54:16 59:5 83:20,23  84:9,12,14 85:8,11  85:15,19 86:1,3  87:19 88:4 89:1,5,8  89:15,17 92:3,18  95:20 98:18,22 99:4  99:10 105:12 106:20  106:23 107:6 111:13  117:22 118:8 120:5</p>
---	---	---	---	--



120:11,16 121:17 122:7,23 123:7,11,16 124:8,14 125:2,3,10 139:1,5 140:20 143:16 147:13 150:14,16 152:23 155:15 church 16:15,17,17 75:17,19,22 churches 75:12 76:18 cigarette 74:18,20,22 city 20:2,3,4 22:9,16,19 Civil 1:7 4:5 155:22 claim 147:20 claimed 143:2 144:23 claiming 147:12 claims 142:21 clarify 35:21 clear 36:19 clearing 72:5 clearly 91:4 92:2 Clements 2:3 close 16:4 61:12 68:21 90:5 closed 99:15 collect 136:6 collected 145:21 college 14:8,16 color 20:6 come 33:20 37:13 49:1 65:7 67:13 81:3 82:7 94:19 96:22 100:19 119:15 122:6 132:16 134:8 135:7,12,12 136:14 139:12 141:10 144:19 coming 36:10 37:8,22 41:5 43:20 47:6 51:18 53:3 55:23 56:1 75:13 90:17 100:6 102:12 112:9 124:7 154:2 command 86:4 113:9 commanded 86:7 commanding 89:4 91:18 commands 83:15 91:19 91:22 112:18,21 113:7 114:10 commencing 1:21 comment 105:5 comments 105:3 commission 4:9 commissioner 1:18 4:7 132:5 155:5 156:14 Community 77:4 complaint 46:13 130:13 complete 52:11 106:1	completely 6:17 112:14 complied 113:10 complies 38:5,9,22 39:2 comply 112:21,23 114:10 complying 113:8 compromised 152:19 computer-printed 156:1 concealed 33:8,10 106:5 concluded 154:6 concrete 13:10 condition 149:13,15 conditioning 45:12,14 conditions 149:3 conduct 147:14 confrontation 91:14 confused 84:18 contact 10:19 65:8,14 67:13 68:11 80:11,12 129:23 131:21 contacted 131:12 contain 156:2 contained 29:18 continued 2:23 67:3 Continuing 109:9 contract 12:13 13:19 Contract's 12:6 control 64:7,10,23 65:11 66:2,23 68:22 68:23 69:22 71:20 controlled 138:13,14 138:16 conversation 6:22 42:21 107:5 112:3 121:4,22 122:15 convicted 48:1 cop 20:2 cope 152:20 copy 38:21 corner 139:2,6 correct 19:18 22:23 28:14,15 30:8 50:21 67:20 81:15 119:7 126:13 156:2 corrective 70:12 correctly 34:22 Cottrell 125:19 counsel 4:3,17 156:3,7 count 123:16 counter 123:2,9,12,20 125:6 counting 125:9 Country 120:9 county 5:21 9:17 15:1,8 16:3 17:11 19:23 20:3,4,9 22:11,14,15	22:20,23 26:15,16,18 36:9,13,15,23 37:3,5 37:9,10,13,14,21,21 37:23 38:3,4 39:7,9,9 39:15 40:9,13 41:14 48:10 53:12,22 73:14 74:11,13,23 75:9,14 75:16,23 76:5 78:7 78:11 116:12,13 117:7,20 118:10,14 118:14,22 119:4,4,8 119:10 121:20 132:4 142:22 144:14 150:5 155:3 couple 6:12 13:23 77:16,18,21 79:7 88:5 98:11,11 119:10 124:7 136:12 142:10 142:11 course 142:19 court 1:1,17 6:4,11,23 66:19 139:17 142:4 150:17 155:19 156:13 courteous 50:5 cousin 8:16,17 88:12 145:18 cousins 24:4,7 cousin's 24:13 cover 6:3 Cowans 136:19 crawled 102:19 crossing 119:1 crotch 101:17 Crown 116:12 cuffed 90:10 92:21 93:4,12 95:18 cuffs 88:23 93:2 95:23 101:19 105:1,13,14 123:3 124:10,11 127:11 154:4 currently 21:8 Curtis 12:16 cut 14:10 82:19 103:6 103:17 116:22 cutting 13:20 Cuz 57:3  <b>D</b> DA 47:20 damage 139:18 147:21 damages 147:12 148:15 dark 31:2 dark-colored 20:8,8 39:15,22 40:10 41:15 Darrell 24:8 26:22 Daryl 2:8 5:15 date 9:11 156:13	Daugherty 1:17 4:6 155:4 156:12 daughter 137:3,8,9 David 11:21 day 18:20 23:11,15,21 25:8,19,23 26:2 27:6 28:22 29:14,19 30:12 30:20 33:13 36:7 42:5,8 58:17 73:7 77:8 101:5 108:2,8 128:17 132:16,22 134:22 139:13 141:13,23 144:17 145:12,15 146:5 150:10,15 156:9 dayroom 128:14 135:22 days 18:14,22 31:9 32:20 daze 71:2 80:17 83:13 90:22 dead 146:1 deal 151:11 152:8,10 December 12:8,9,17 156:9 decent 34:1 deep 70:20 defend 73:5 defendant 2:7,20 17:4 defendants 1:10 5:17 5:19 27:13 39:13 155:18 Defendant's 17:18,21 28:3,6,10 29:5,8,10 30:7 31:17,20 32:11 36:17,20 58:1,4,5 61:3,5 78:23 79:5,9 79:16 81:4,14 86:21 91:5 93:11,14 94:5 94:11 95:12 104:1,4 107:11,14,17 108:12 108:16,18,21 113:16 118:21 133:17,20,21 demanded 47:2 denomination 33:17 department 19:20 22:17 89:12 depict 29:13 79:2 DEPONENT 154:11 Deposit 140:17 deposition 1:15 4:4,6 4:13,18 5:2 6:1 7:23 8:20,23 9:1 154:6 155:7 deputy 109:23 117:21 118:3 120:11,17 121:18,23 122:6,8,16 122:20 123:1,15 124:12,14 125:8	describe 27:15 44:1,20 56:5,6 62:7 63:17 78:9 90:1 95:1 102:4 103:3 116:20 125:14 149:19 150:1 described 60:6 81:7 124:21 151:23 describing 76:4 79:17 140:7 desk 124:9,16 125:2,3 135:17 detail 37:7 detention 121:20,21 122:5 134:20 135:21 137:18 deteriorating 32:6 different 77:23 difficult 6:15 dire 151:8 direction 37:23 41:18 41:19 72:9,13 77:5,8 79:21 93:17,18 94:7 111:15 113:15,21 114:2 115:13 dirt 77:13 115:17,21 dirty 88:6 disclosure 9:4 disclosures 58:14 discuss 111:22 discussion 124:22 dismissed 18:23 20:22 47:23 dispatch 110:13,15 distant 143:13 distinguishing 40:3 district 1:1,2 16:9 132:5 155:19,20 ditch 70:3 dive 40:22 DIVISION 1:3 155:21 divorce 10:12,16 dizzy 86:8 docket 139:1 doctor 127:11,21 document 58:8,12 documents 8:19 9:3,9 doing 6:5 44:13,17 49:11 54:17 57:2 60:13,14 66:6,12,14 73:2 87:15 88:11,16 88:19,21 92:2 96:7 100:1,7,7,16 101:20 102:5,10 106:7,8,21 110:14 114:14 143:16,16 dollar 133:13 done 26:23 99:10,11 120:3 151:4 door 15:4,13 71:2 80:6
--	--	---	--	--

80:22 83:12 84:4,5 84:17 86:9 87:8 90:3 91:2,3,7,8,12 93:20 93:22,22,23 95:5,7,7 95:21,21,23 99:14,14 115:14 doorway 80:7 91:16 113:2,3,17,19,20 dot 37:19 down 6:6,16 7:1 21:2 36:13 39:7,18 45:10 45:11 48:10 50:2 52:22 61:17,18 62:7 63:4 64:7 67:4,5,6 78:3,4,5 79:21 80:2,7 80:19 81:5,12 84:16 89:10 90:7,15 92:4 97:15 98:16 104:23 105:12 111:14 112:8 113:17,21 114:2 118:9 119:3 139:20 143:14,18,20 144:6,8 144:13 147:18 draw 23:10 37:18 38:2 drawed 88:17 111:14 drawing 33:21 drawn 71:4 80:8,20 81:8 82:23 83:1 84:11 90:4 91:18 92:1 dressed 25:21 153:10 drew 81:12 92:3 112:8 drink 7:14 25:5 29:23 30:1,3 120:13 drive 1:20 2:10 67:3,16 117:11 140:5 driven 117:16,20 driver 39:17 40:18,19 41:8 44:18 45:21 61:12 driver's 64:22 69:21 84:5 85:17 91:7,8 115:14 140:10 driveway 31:4 driving 39:19 41:3 44:5 45:5 46:4 48:14 53:21 54:11,23 55:5 55:21 56:23 57:8 61:1 74:6 84:9,10,12 85:12,13 drop 141:8 dropped 20:21 21:5 drove 66:6 117:10 drug 23:6 43:2 150:9 drugs 25:8,10,11 drunk 40:18,19 41:8 drunken 39:17 DTF 20:1 89:11 duly 5:6 155:9	during 33:23 34:2 46:4 63:1,10 104:13 111:4 111:6 117:18 146:21 Dutch 144:6 duty 127:23 D.C 30:16,17 <hr/> E E 120:23 each 6:14 35:3 41:18 41:19 51:23 52:2 64:1 65:14 earlier 31:9 84:8 93:3 112:22 120:21 152:21 Early 23:23 eased 88:8 90:4 eat 24:19 25:2 109:7 effect 73:3 87:16 92:13 112:20 131:18 eight 24:18 either 4:14,20 17:3 22:1 50:14 51:20 59:17 105:7 Eley 1:19 2:9 Elks 16:21 Ellen 47:20 embankment 78:20 employed 11:12 23:18 148:22 employment 147:16,20 emptied 30:4 encounter 27:12 encountered 41:14 end 7:18 12:12 13:15 35:11 63:23 115:15 136:7 ended 35:14 72:5 enforcement 42:18 engine 26:23 145:18,19 145:20 146:2,2,19,22 enough 37:7 47:21 90:5 103:17 entire 73:22 74:7 entitled 147:13 equipment 92:9 140:13 equipped 28:20 Ernestine 129:18,19 134:10 escorted 122:18 established 118:2 estimate 68:3,7 73:18 estimating 137:12 et 123:5 141:1 even 31:2 33:3 40:6 48:9 96:9 100:10,22 107:23 127:19 131:21 141:5 142:18 150:12	evening 125:22,23 126:3 ever 6:1 8:10 10:3 13:16 14:8 17:2,9 23:5,8 33:10 40:1 42:4,7 47:12,19 57:17 58:8 73:4 90:19 119:19 126:15 126:19,21 127:1 132:12 133:20 136:2 138:19 139:9,10 140:18 141:10 142:6 146:3 every 147:17 150:4,10 Everybody 152:13 everything 6:6 63:16 98:7 116:1 146:17 evidence 4:13 47:21 exact 147:10 exactly 7:4 20:4 33:15 34:13 49:23 103:4 114:5 132:8 147:8 examination 2:14 5:9 153:20 156:3 excluding 145:3 excuse 5:18 122:5 Exhaust 139:22,22 Exhibit 2:19 17:18,21 28:3,6,10 29:5,8,10 30:7 31:17,20 36:17 36:21 58:1,4,6 79:1 81:14 93:11 107:11 107:14,17 108:12,16 113:16 118:21 133:17,20,21 Exhibits 79:5 108:18 exit 38:16,18 expecting 7:8 expenses 148:19 Expiration 156:13 explain 35:5 146:18 extent 47:18 eye 71:9 eyes 55:20 80:18 150:11 <hr/> F face 90:7 149:11 facility 121:20,22 122:5,10 125:22 134:21 135:22 137:18 facing 72:6 94:1 fair 61:11 153:15 fairly 16:4 29:13 34:1 61:12 70:5 152:19 fall 69:2 fallen 69:10 false 21:2	far 25:17 31:15 69:2,3 77:15 78:15 92:8 98:14 121:10 141:13 141:20 144:11 145:13 149:3,18 Farmersville 5:21 9:17 14:20 16:19 25:13 37:9,12,20 39:4 fast 48:14 53:6,18 64:4 65:19 68:3,6,14,15 70:16 faster 68:7 father 136:16 father's 136:16 features 40:3 Federal 4:5 feel 87:10 152:13 feeling 154:1 feet 90:6,6 114:19 119:11 fell 68:23 69:11 felt 65:23 69:1 few 6:3 151:3 153:12 field 147:17 figure 118:20 figured 117:6 file 10:16 126:19 filed 35:10,13 126:21 filing 4:18,22 fill 127:15,18 finalized 10:12,21 finally 125:21 126:1,5 find 104:19 119:12,14 finished 26:5 finisher 13:9 fire 111:14 115:4 fired 112:8,12 113:5,19 114:2,18,22 first 5:6 6:13 16:19 17:6 19:7,9 20:15 36:5,8 39:12,16 40:12 44:10 49:16,18 50:3 65:9,15,20,22 67:1 68:4,19,20 69:12,14 72:18 74:8 97:20 104:21 112:7 117:12,22,23 118:1 121:18 127:6 130:17 131:13 152:22 fit 32:10 101:8,8 five 73:19,22 103:20,22 106:19 108:3 117:17 117:18 123:13,21,22 fixing 123:10 flag 44:10,12 flashing 100:12,22 flask 29:16 flat 41:3 120:14,14,16 120:19	flip 64:9 focused 88:10 focusing 88:3,16 91:23 92:16 99:3 folded 36:4 followed 52:19 following 18:16 69:20 follows 5:8 foot 90:7,9 foot-swept 92:20 93:1 93:15 force 43:3 150:10 forced 101:17 Ford 116:12 foregoing 156:1 forgot 18:7 111:12,16 Forklift 13:4,5 form 4:10 formality 4:9 forth 97:4 found 14:10 105:16 106:14 119:16 four 31:9,16 32:19 100:11 four-lane 52:1 Fred 2:3 friend 15:6,9 30:18 from 9:4 14:2,4 19:21 25:17 31:15 32:5 33:20,22 35:9 36:10 37:8,19,22 38:17 39:9 42:19 43:13,14 47:20 66:3 71:10,15 72:8 73:13,19 75:10 76:14 77:1,20 78:4 78:12,13,13,14,15 82:7 92:3,18,23,23 93:8,20,23 95:15 113:20 119:4 122:11 122:18 125:10,22 127:10 131:10 135:11 136:16,22,23 140:22 142:21 143:14 144:8,11 145:17 146:6,10,11 146:15,16 148:10 front 29:9,14 40:4 65:16 79:22 91:7,12 93:22 94:8,13 96:12 96:14 102:22 103:5 106:4 113:22 114:3 115:10,14 117:8 153:4 Ft 140:17 fuck 50:1 full 47:18 102:14 103:2 further 4:16,23 78:3 154:11 156:6
--	--	---	--	--

G				
<p><b>Gained</b> 82:8  <b>gambler</b> 35:6  <b>gambling</b> 34:1 146:11 146:15  <b>Gaming</b> 34:5  <b>Gary</b> 2:8 5:14  <b>gas</b> 76:22 77:6,11 120:10,10,18,22 121:1,12,16,21  <b>gate</b> 122:7  <b>gave</b> 9:6 17:10 58:16 102:18 103:10 145:22 146:22  <b>general</b> 94:7 113:15  <b>generally</b> 115:9  <b>gesture</b> 56:17  <b>gesturing</b> 55:4 56:19 84:21  <b>getting</b> 49:2 74:5 87:10 125:4 137:4 150:5  <b>girlfriend</b> 129:16,17 134:10 148:3  <b>give</b> 6:18 7:8 16:8 17:21 30:20 31:1,8 37:17 58:4 75:6 91:19 112:18 131:14 132:20  <b>given</b> 6:1 91:22 113:9 146:13  <b>giving</b> 45:3,23 113:7  <b>glance</b> 44:11 46:11 49:6,12,13,18 54:22 54:23 55:19 66:11 69:7  <b>glanced</b> 50:17 54:10 55:20 56:14  <b>glancing</b> 60:23  <b>glass</b> 140:15  <b>go</b> 6:17 13:8 16:15 24:16 26:8,22 27:3 30:23 35:21 38:3,6 51:12 52:7 68:4 85:14 93:10 97:14 118:20 120:6 121:19 127:17 133:15 137:6 137:12 138:19 139:4 142:3 143:17 152:21  <b>goes</b> 37:21 149:4 151:12  <b>going</b> 6:8,9 15:14 17:20 26:7,9 27:6 29:7 36:13,19,20 38:13 45:18 48:10,12 50:5 50:11 51:1,3 52:14 52:22 53:6,12 55:11 56:17 57:1,6,11,22 59:3,5 61:2 62:13</p>	<p>64:4,5 65:2,19,21 66:5 68:4,6,14,15 70:8,15 72:15 77:2,3 77:8 79:7,9 86:10,16 86:17 87:7,15 91:5,9 91:15 96:7 98:12,13 98:16 100:3,4 102:11 102:16,17 104:15 107:13 108:20 117:6 127:4 131:2,17,19 133:10 135:11 138:9 144:14  <b>good</b> 6:15 9:14 12:4 35:20 36:11 38:6 59:4 73:13 80:9 92:5  <b>gotten</b> 83:8,9  <b>grabbed</b> 90:5 95:3 96:5 99:19 102:13  <b>graduate</b> 14:2,4,6  <b>grandmother</b> 15:4  <b>grandmother's</b> 15:12  <b>grass</b> 110:7 115:17  <b>Greenville</b> 130:3  <b>grievance</b> 126:19  <b>gripped</b> 101:17  <b>ground</b> 6:3 86:12,12,13 87:2,3,5,11 88:5,6,7 88:7,9 89:5,9,23 90:2 90:7 92:19 93:1,2,12 93:16 95:20 99:22 100:1 104:23 112:19 113:23 114:1,3,6,11 114:15,16 115:1,9,15  <b>guess</b> 37:20 47:17 51:5 68:12 70:15 85:13 131:23 135:19  <b>gun</b> 29:17 30:7,10,15 30:23 31:5 32:16,23 47:2 56:8,9,9,12,12 56:19 61:3,14,16 62:12,17,19 63:2,10 73:4 85:21 86:20 90:4 92:1,17 96:4 104:19,20,22 105:1,3 105:5,6,7,8,9,9,17,18 105:20,20 106:23 107:3 141:4,11,16,20 141:22 142:12 149:10  <b>gunfire</b> 114:6  <b>guns</b> 71:4 80:8 81:7 82:23 83:1,3,11 84:11  <b>gunshot</b> 114:1  <b>guy</b> 47:2,12 76:13 82:10 85:4 99:18 116:21 117:7</p>	<p><b>hair</b> 13:20 14:11  <b>Halcyon</b> 1:19 2:10  <b>half</b> 60:3 130:7,8 148:5  <b>halfway</b> 118:4 119:7  <b>Hall</b> 34:5,14,18  <b>hand</b> 44:14,17,22 45:3 45:23 46:6 54:10,13 55:2,4,6,7 56:17 74:17 97:9 102:13 123:17  <b>handcuffed</b> 90:8  <b>handcuffs</b> 95:10 99:18 124:2,6  <b>handling</b> 10:18  <b>hands</b> 54:19 86:9 87:8 90:3,23 91:3,17 96:19 97:18 101:16 114:12 115:2  <b>Hang</b> 66:8  <b>hanging</b> 83:16 139:20  <b>happen</b> 90:2 110:6 111:4 117:18 121:10 122:11 132:16 137:17  <b>happened</b> 46:10,23 47:16 54:7 65:14 67:17 69:16 80:10 89:21 95:19 109:15 111:7,8,11,12 112:6 116:1,4 120:3 121:16 122:4,21 131:9 135:10 138:7,22 140:19 141:4,12,19 141:23 142:2 145:6 147:19 149:4  <b>happening</b> 44:6 87:7 121:11  <b>happy</b> 7:3  <b>harass</b> 150:11  <b>hard</b> 6:23 39:18 69:14  <b>harder</b> 31:3  <b>hardly</b> 102:9  <b>having</b> 5:6 30:21 33:23 152:16  <b>Hayneville</b> 14:5 109:23  <b>head</b> 6:20 8:18 21:20 25:1,16 39:11 60:11 63:14 69:23 70:19,23 71:5,6,16 80:5,16 82:18 86:8 87:1 94:1 94:3 102:15 121:15 127:9 129:9 130:9 131:1 149:2,16  <b>headache</b> 127:9  <b>headed</b> 93:17  <b>heading</b> 51:13  <b>headlights</b> 42:2  <b>head-on</b> 65:16  <b>health</b> 151:7,20 152:1</p>	<p><b>hear</b> 46:1 50:6 55:9 59:7 86:14,15,18 98:13 110:18 114:6 122:2  <b>heard</b> 42:12,13,19,20 42:23,23 72:21 91:20 98:14 107:5 110:9 113:23,23 114:7 115:15  <b>heart</b> 21:22 22:1  <b>held</b> 11:6  <b>help</b> 74:3,6 151:10  <b>helper</b> 13:9  <b>her</b> 6:15 10:13,19 21:23 22:2 125:1,14 125:15,15,16,18 131:2,7,10,13,16,17 131:18,21 132:2,4,6 132:20 135:6,7,11 137:3,5,8 139:12 143:22,23  <b>hereto</b> 4:21 5:1  <b>Herman</b> 146:8,8,10,21  <b>he'll</b> 16:7 132:21  <b>high</b> 13:23 14:2,4,5  <b>highway</b> 15:8 26:13,17 26:19 31:12 33:6 36:13,15 37:1,16 38:15 48:23 49:2 50:21,23 51:11,13,18 51:22 52:3,14,19,23 53:8 54:6 55:21 64:3 70:1,2,23 72:5 73:16 74:23 75:2 76:20 77:12 79:13 94:2,4 100:6 118:16,17,19 119:9,22 130:22 142:23  <b>hill</b> 76:14 95:11 107:7 109:12 111:1,7  <b>him</b> 19:7,10 30:21 31:1 33:3,4,4 42:8 43:1 47:17 54:18 55:9 56:21 57:5 60:21,23 84:1 85:3,5 88:22,23 90:14,16 92:5,7 93:5 94:17,22 95:1,3,4,8,9 95:10,10,12 96:9,21 97:1,6,8,10,13 98:15 100:16,17,19 103:11 106:11,16 114:13 116:20 117:11 123:14,17,18 125:5 125:10,10,11 131:17 131:19 132:17 136:20,22 141:13,17 141:20 142:3,9 145:18,20 146:2,6 150:18,22 153:1</p>	<p><b>hit</b> 39:18 64:15,22 65:15,20 67:1,22 68:5,6 69:23 70:4,9 70:13,13,17,19 71:6 71:15,16,18 72:18,19 74:8 78:18,21 80:16 82:18 99:21 113:23 114:1,6 115:8,12,15 115:20,21 140:8 149:17  <b>hitting</b> 63:23,23 64:17 64:20 71:5  <b>hold</b> 103:14,16  <b>holding</b> 153:4,6,12  <b>hole</b> 123:18,19 125:11 153:1,3  <b>hollow</b> 62:23  <b>home</b> 9:20 26:8,9 27:4 27:6,9 31:1 38:23 77:9 78:4,13,14,15 119:8 131:8 132:8 139:4  <b>hope</b> 151:12  <b>Hospital</b> 9:19  <b>hot</b> 25:23 26:1  <b>hotel</b> 47:1,6  <b>hour</b> 11:19 46:5 48:12 53:13,14 64:8 65:3 65:22 67:8,16 70:8  <b>hours</b> 153:13  <b>house</b> 15:13 24:1 25:12 25:17 27:1,12 31:15 36:10,14 38:11 39:5 51:3,13 75:23 76:1,7 76:14 77:12 133:11 144:14  <b>houses</b> 75:11,15,16 76:8,15 77:17,18  <b>Housewife</b> 9:19  <b>Howard</b> 24:8,8 26:21  <b>Howards</b> 26:22  <b>Howard's</b> 120:9  <b>huh</b> 12:4  <b>huh-uh</b> 6:20  <b>Humiliated</b> 154:2  <b>hundred</b> 77:16 119:11  <b>hurt</b> 54:5  <b>Hutson</b> 1:9 19:8,12 42:7,11 45:4 83:22 84:3,13,16,21 88:3 88:22 93:5 94:17 105:6 117:10 118:1,6 120:6,10,12,20 124:19,20 150:9 155:16</p>
	H			I
				<p><b>idea</b> 68:5,14 75:6 115:8  <b>identification</b> 17:19</p>



28:4 29:6 31:18 36:18 58:2 79:6 107:12 108:19 133:18 identify 89:11,13 illness 23:8 immediate 99:9 immediately 36:9 40:20 69:16,18,19 75:22 76:5 123:14 125:6 impact 65:23 66:1 68:16,19,20 69:13,14 69:17,18 impound 140:16,17 impounded 139:14 incarcerated 18:12 incident 18:16 23:11 55:18 74:13,19 100:14 107:6 125:23 126:5 138:11 139:15 141:18 142:11 147:16,19 150:7 income 35:2,11,12 Index 2:14,19,23 indicating 44:14 91:3 102:15 110:13 113:15 115:19 individual 1:8,9 155:15 155:17 information 9:6 16:7 58:13 110:4 111:5 initial 58:14 72:13 91:14 initially 45:22 64:5 89:5 92:18 111:13 130:11 134:20 inmate 3:11 128:20 inmates 128:11,23 Inn 47:1 inquisition 7:12 inside 83:7 90:20 96:11 99:19 100:19 101:16 104:10 120:12 140:22 intercom 127:21 interested 156:8 Internet 36:22 interrogatories 17:8 20:13 interrogatory 151:15 interrupted 110:3 148:13 intersection 26:18 52:4 75:3,20,21 intersects 38:2 78:7 Interview 3:5 introduced 4:19 involved 21:16 145:4	<b>J</b> jail 18:13,22 20:16,19 22:4,9,11,15,18,23 23:2 122:4 126:17 127:4 129:10 133:5 138:3,7 147:23 148:16 150:7 jailer 127:23 January 11:8,9,14 12:3 12:4 139:15 150:17 Jay 2:3,4 16:5 jerked 66:1 67:12 70:16 jerking 63:14 Jerome 47:15 jewelry 123:4,8,8 133:8 133:15 134:1 135:12 148:10 Jim 132:8 jimmied 140:15 job 11:6,23 12:11 33:22 147:18 jobs 12:5 John 136:19,19 Joshua 129:6 judge 18:15,23 July 28:2 jump 114:23 jumped 31:4 70:1,22 80:20 83:10 June 18:8,9,10 19:6 23:13,18 29:10 31:7 38:12 42:14,17 79:13 100:23 108:22 129:11 134:19 138:11 149:5 junkyard 76:13 just 6:3 9:4 10:20 16:6 17:22 20:2 22:7 24:22 27:6 36:4,12 36:19,21 37:1,18,20 38:2,3,7,10,23 40:7 42:21,23,23 44:14,20 45:18 46:10 47:4 49:12,15 50:17 54:18 55:2,4,5,16,22 56:23 57:10,21 58:5 59:7 59:21 60:23 61:14 63:4 66:8,11 68:16 69:4 70:16 71:20,21 72:7 76:8 77:16 78:9 80:22 82:1,2,8,20 86:11,23 87:10 88:4 88:8 90:15 91:23 97:13 98:8 99:3 101:8 104:11,12 105:21 110:7 111:21 112:3,7 114:14,18	115:19 116:10 117:20 118:20 121:14 126:10 127:23 128:6,14 131:15 135:18 136:23 137:12 139:10 140:5 142:1 147:3,11 148:16,17 149:6,6,7,14,17,21 149:21,22 150:2,12 151:3,10,16 152:8,13 J.P 14:9,14 <b>K</b> keep 6:12 60:23 86:3 kept 39:19 41:3 44:5 54:11,23 55:5,21 Kevin 24:4,5 27:10 29:1 57:2 58:16 59:8 72:20 73:20 88:13,21 91:19,22 93:4 94:16 95:18 98:13 99:8 107:8 109:13,16 116:3,6 117:8 118:11 120:1 124:15 137:13 137:13 142:19 145:3 145:13,14 146:19,23 Kevin's 108:10 keys 28:14 104:13,15 kick 89:22 90:1 115:17 kicked 93:15 kids 21:1,7 kill 57:23 73:2 kin 156:6 kind 6:23 36:23 37:1 37:13,18 41:20 44:20 44:22 51:10 52:9 62:19,21 63:4 70:11 94:10,11 102:14 107:21 113:9 116:11 116:21 119:6 135:15 139:21 151:7 152:19 knew 30:12 51:9 54:2 84:14 87:21 129:7 knife 56:8 knocked 139:19 144:20 knocking 64:2 knot 71:10 82:20 149:1 149:15,17 know 7:2,4,15 12:5 15:17 16:21 20:4,22 21:14,21,23 22:1,19 25:15 31:13 33:18 38:8 39:19 42:10,11 42:16,22 43:2,8,11 44:6 45:19 47:18,22 51:8 56:6,7,13 57:5 60:14 62:14,21 68:16 69:4 70:22 75:15,23	83:19 85:3,5 87:6,9 88:19 96:8 97:2,3 98:14 99:8 100:13 102:8 103:3,4,21 104:10 108:1,5,15 114:19 115:13 116:15,18 125:15,20 127:20,22 128:3,13 128:15,16 129:2,6,7 131:5 132:6,8,19 136:22 137:12 138:15 139:7 141:5,5 141:6,14,20 142:4,5 142:6,16,18,20 143:1 143:2,5 144:7,23 145:4,13,14 146:16 146:17 147:8 151:12 152:12,14,19 knowing 70:20 146:19 knowledge 48:2 119:13 143:4 147:8 known 139:10 knows 141:23 147:3,10 147:11 <b>L</b> L 2:3,8 lacerations 127:10 lady 21:7 124:15,17,21 lady's 21:10 125:12 laid 11:7 12:1 33:22 landed 70:2 72:12 80:3 lane 41:17,18,19 44:8 51:23 52:2 53:4 71:23 130:5 Large 1:18 4:8 155:6 156:14 larger 38:20 LaShun 1:9 42:7 155:16 last 10:22 11:6,7,8,23 12:17 22:2,3 142:9 142:11 later 21:4 36:7 39:12 44:7 45:2 91:10 109:22 119:16 153:10 law 1:19 2:4,4,9 42:18 lawsuit 17:1,3 23:12 lawyer 7:13 8:21 137:5 138:8,23 139:2 lawyers 7:21 79:10 111:19 lay 150:10 laying 61:4,20 86:22 93:13,16 Layoff 12:6 leads 37:9 leaned 80:18 84:14	learn 45:2 139:9 learned 39:13 leave 105:21 111:12 117:22,22 left 30:20 31:5 32:4,16 32:19 34:21,21 39:4 71:8 72:8,11 75:18 76:1,8,16 77:1 105:23 117:12 118:1 118:3 120:20 121:18 128:7 146:10,16 148:11 149:17 left-hand 51:7 53:2 61:8 94:11 leg 99:22 legs 102:20 less 88:12 98:21 99:1 let 6:3 7:2,15 13:7 17:20,21 23:10 28:5 29:7,8 30:1 31:6,19 37:4,17 43:13 44:16 46:12 49:15 58:3,4 60:15 61:7 79:10 80:10 85:14 97:5 131:17,19 132:18 133:19 148:2 letter 47:20 letting 87:9 let's 6:13 36:11 63:17 65:1 68:4 71:5 75:9 93:10 104:1 109:6 112:13 116:8 118:20 134:18 150:23 level 44:23 Lewis 2:3,4,17 16:10 111:20,22 153:21 154:5 license 14:10 18:17 40:4 81:17 82:1 life 5:23 15:1,4,5 light 49:8,9 51:15 59:14,15 66:15 76:12 77:1,19,20,23 78:5 100:9,9,10,11,12,13 100:15,17,20 140:3 143:17 144:12,13 lights 41:20,22,23,23 like 13:13,15 16:21,22 29:9 31:20 32:4 40:4 44:4 46:7 48:19 50:14 53:21 54:4 56:17 57:5,21 61:14 61:23 63:20 64:1 66:2 68:21 70:14,16 71:19 75:4,7,12 76:11,18 77:7 80:16 80:17 83:12 86:6,23 87:10 89:12 91:3,12 91:21 92:9,12 93:17
---	--	---	---	---

96:4,21 97:18,19,20 102:15 107:19 108:2 108:3 114:22 115:18 115:19 119:6 140:5,7 145:22 148:8,15 150:6,11 152:14 <b>limit</b> 48:15 53:8 <b>Lincoln</b> 39:16,22 40:11 41:15 43:21 52:17 65:7 73:14 74:10 78:19 79:16,19 80:11 80:18 81:1,2 82:21 85:9 94:6,7,8,14 98:21 100:8 106:22 116:6 117:9 118:11 120:2,5 121:18 <b>line</b> 37:19 38:3 78:7,11 <b>lips</b> 55:14,17 <b>list</b> 16:8 <b>little</b> 36:22 37:19 38:11 38:20 53:16,19 56:12 62:3 68:23 69:19 82:8 105:2 106:4,9 107:2 139:7 152:11 152:22 <b>live</b> 5:20 14:19 31:11 33:5 77:20 130:2,21 144:4 <b>lived</b> 5:22 10:22 11:1 14:23,23 15:2 <b>lives</b> 21:14 144:13 <b>living</b> 15:7 <b>loaded</b> 62:17 <b>loaned</b> 28:16 <b>lock</b> 54:18 55:16 56:13 140:14 <b>log</b> 123:10 <b>Logging</b> 11:7 <b>long</b> 5:22 10:11 11:11 12:7 14:22 15:2 20:19 26:3 28:1 31:6 31:7 32:21 48:18 59:11 66:10 67:16 98:2 103:16,17 106:16 117:15 119:21 121:1 129:10 <b>look</b> 17:22 18:2 22:12 28:7 29:9 31:20 32:11 41:11 46:7 49:4 50:14 52:21 58:5 60:7,9,10 66:10 69:4 79:10 91:5 92:5 104:1 118:21,23 <b>looked</b> 40:23 44:4 46:11 57:21 66:3,8 96:20 <b>looking</b> 56:1 94:5 113:16 118:6,9 <b>looks</b> 57:5 61:23 75:7	107:19 108:3 119:6 140:7 150:6 <b>lose</b> 65:11 <b>losing</b> 64:7 141:22 <b>loss</b> 147:22 <b>lost</b> 66:2 68:22 147:21 147:22 148:15 <b>lot</b> 16:2,4 75:5 149:6,7 149:21,22 <b>Lots</b> 12:19,21 13:3,14 <b>loud</b> 91:23 110:21 <b>low</b> 101:7 <b>lower</b> 93:21 <b>Lowndes</b> 5:21 9:17 15:1,8 16:2 19:23 22:22 121:20 150:5 <b>Lowndes/Wilcox</b> 78:7 <b>lunch</b> 109:8 <b>lunchtime</b> 111:19 112:4 <b>lying</b> 32:13 <b>Lyn</b> 1:16 4:6 155:4 156:12 <hr/> <b>M</b> <b>M</b> 11:7,7 <b>mad</b> 99:19 <b>made</b> 4:11 40:18 41:7 47:10 65:10,14 80:11 80:12 101:22 105:5 106:23 126:11 129:4 129:12 <b>mailbox</b> 78:21,22 <b>make</b> 9:13 21:2 37:10 37:14,15,23 38:3 39:3 43:13 60:21 66:13 67:9 74:1 80:9 81:1 83:6 90:19 110:19 126:15 129:13 134:13,17,21 135:15 136:2 <b>makes</b> 6:15 <b>making</b> 11:19 13:13 60:22 105:2 107:2 113:18 126:10 <b>males</b> 44:9 <b>Mallory</b> 10:8 <b>man</b> 96:3,6 99:16 100:1 101:20 105:9 114:18 114:19 125:7 <b>manner</b> 4:20 156:8 <b>many</b> 10:5 15:21 46:17 65:7 103:21 114:8 116:8,15 141:15 <b>map</b> 3:4 36:22 37:6 51:5 <b>MapQuest</b> 3:4 <b>MAR</b> 2:20 <b>March</b> 34:15	<b>Margaret</b> 144:1,1,2 145:5 <b>mark</b> 17:20 28:5 29:7 31:19 36:20 58:3 79:9 107:13 <b>marked</b> 17:18 28:3 29:5 31:17 36:17 58:1 79:6 107:11 108:19 133:17 <b>married</b> 10:1,3,5,7,9 10:11,13 21:8 <b>Marshall</b> 1:5,15 2:15 4:4 5:5,13,14 12:16 15:19 17:23 58:9 65:5 107:16 108:20 109:9 133:12,22 134:4,8 135:2,3 137:10 151:3 155:8 155:12 <b>Marzett</b> 130:16 136:12 <b>mashed</b> 127:20 <b>Masters</b> 2:8 5:15 <b>math</b> 9:14 <b>matter</b> 155:11 <b>Matthews</b> 11:21 <b>max</b> 117:5 <b>may</b> 4:6,11,13,19 6:19 7:15 10:10 20:9 33:2 49:19 65:21 86:7 108:9 113:13 146:14 <b>maybe</b> 41:2 48:16 129:2 <b>McDonough</b> 2:5 <b>McWilliams</b> 30:16,17 31:8,11 33:5 141:10 <b>mean</b> 6:19 20:4 45:15 61:18 63:18 81:23 85:11 109:18 141:23 148:17 <b>meant</b> 153:5 <b>mediation</b> 139:7 <b>medical</b> 127:3,6 128:9 128:18 148:19 <b>meet</b> 74:11 <b>meeting</b> 40:20 74:12 <b>member</b> 16:13,20 <b>mental</b> 23:8 149:6,13 149:19 151:7,20 152:1 <b>mention</b> 111:16 <b>met</b> 36:16 39:15 <b>middle</b> 1:2 16:9 94:12 155:20 <b>midwife</b> 9:21,22 <b>might</b> 18:6 19:21 37:6 42:22 54:16 60:16 111:23 <b>mile</b> 25:18 38:17 39:14 60:3 63:22 66:7 76:6	77:1 78:12,17 <b>miles</b> 31:16 38:17 46:5 48:12 53:13,14 64:8 65:22 67:7,16 70:8 <b>mind</b> 6:13 40:5,7 <b>mind-set</b> 152:12 <b>mine</b> 13:20 30:18 108:5 108:10 148:6 <b>minute</b> 17:22 36:12 44:7 58:5 <b>minutes</b> 73:19 98:4,5 98:11,11 103:18,19 106:19 109:22 111:1 117:4,5,17,19 119:23 120:20 121:3 124:7 <b>mirror</b> 40:23 44:4 49:5 49:6,11 52:22 60:8,9 66:4,9 69:8 <b>miss</b> 18:16 138:2,5 <b>missed</b> 33:3 <b>Mississippi</b> 34:6,12 <b>misunderstanding</b> 21:1 <b>Mixed</b> 13:9 <b>model</b> 76:15 107:3 <b>mom</b> 21:2,7 <b>moment</b> 66:2 <b>money</b> 33:12,20,23 34:3,6,11,12,14,20 35:17,18 47:3,7,8 96:9,22 97:7,9 107:18 108:2,4,7,10 108:13,15 123:12,15 123:16 124:22 125:6 125:7,8 126:12,16,22 130:6 134:1 135:11 135:12 140:18 146:5 146:14 147:22 148:4 148:11,14 <b>Montgomery</b> 1:20 2:5 2:11 12:20 14:12 46:22 155:3 <b>month</b> 12:2,4 22:3 34:13,14 <b>months</b> 142:10,11 <b>more</b> 24:4 69:19 77:21 79:7 83:20 88:12 98:21 99:1 108:21 140:6 147:1,3,11 151:3 152:22 <b>morning</b> 8:2 23:23 127:8 <b>mortar</b> 13:10 <b>Mosses</b> 130:22 131:6 132:7 <b>most</b> 15:3,5 106:6 <b>mostly</b> 137:4 <b>mother</b> 21:12 27:2 <b>mother's</b> 15:3 <b>motion</b> 54:10,13 64:3	102:5 113:18 <b>motions</b> 60:21,22 <b>motor</b> 24:1,9,17,23 25:6,19 26:4 145:16 <b>move</b> 37:4 63:10 90:19 105:20 <b>moved</b> 15:5 136:23 <b>moves</b> 67:9 <b>moving</b> 55:15,17 62:10 62:15 63:7,15 106:7 <b>much</b> 11:18 15:1 33:12 34:16,18 68:7,10 73:16 95:14 100:23 106:5 117:3 123:20 130:10 147:9 148:7 153:18 <b>mumbling</b> 73:1 <b>music</b> 46:3 55:10,11 59:3,5,9 86:16 91:23 140:13 <b>myself</b> 54:5 73:1 152:10 <b>M-A-R-Z-E-T-T</b> 130:18 <hr/> <b>N</b> <b>name</b> 5:11,14 19:9 21:10 42:12,13 45:19 47:14 109:17,17,18 110:20 116:18 125:12 130:17 136:18 139:1 143:23 146:7,8 <b>names</b> 109:20 128:12 128:23 <b>nearby</b> 99:6 <b>neck</b> 66:1 67:12 83:17 90:9 102:14,22,23 <b>need</b> 4:11 6:12 7:12,13 39:21 127:11 152:21 <b>needed</b> 135:7 152:7 <b>neither</b> 156:6 <b>nelson</b> 102:14 103:2 <b>never</b> 11:1,2 13:18,20 42:11 52:11 73:23 74:3 84:12 127:4,16 132:15 134:12 138:17 <b>New</b> 136:16,23 <b>next</b> 2:23 15:4,13 29:17 43:11,16 88:20 109:12 127:8 139:13 <b>nice</b> 49:20,21,22 <b>nickname</b> 82:1,5,8 <b>night</b> 149:8 152:17 153:10 <b>nightmares</b> 150:2 <b>nights</b> 149:8,21 152:17 <b>Nobody</b> 121:8
---	---	--	---	---



<p><b>nods</b> 8:18 25:1 39:11 87:1 121:15 130:9 <b>None</b> 9:10 <b>noon</b> 26:6 126:3,4 <b>normal</b> 6:21 <b>NORTHERN</b> 1:3 155:21 <b>nose</b> 40:21 <b>nothing</b> 5:7 62:16 89:13 96:3 111:7,8 111:11 137:19 155:10 <b>noticed</b> 8:2 49:7 <b>Nova</b> 27:17 31:21 82:4 107:22,23 <b>November</b> 1:20 13:1,2 155:23 <b>nowhere</b> 98:16 <b>number</b> 21:23 67:20 73:9 109:20 110:20 144:7</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>obey</b> 102:10 <b>Object</b> 111:20 <b>objections</b> 4:9,10 <b>occasions</b> 141:17 <b>occupants</b> 49:10 <b>occur</b> 117:2 <b>occurred</b> 23:12 70:9 124:23 <b>off</b> 11:8 12:1 13:15 14:1 15:8 21:20 25:15 26:11,13,16,16 31:12 33:5,22 36:12 36:15,22 37:3 38:15 41:1,9 43:6,15 44:5 44:23 47:7 53:23 57:4,22 59:1,6 64:3 64:18 67:10 71:19 72:2,8 75:10 77:13 77:13,15 79:22 80:5 94:10 95:20 99:22 101:15 103:6,17 105:10 114:4 117:10 117:11,16,20 119:4 119:10 120:7 123:3,4 123:4,7,8 124:4,10 129:8 131:1,15 133:15 144:20 150:3 <b>offered</b> 4:13 <b>offhand</b> 31:14 34:8 <b>office</b> 135:19 137:6 <b>officer</b> 19:7,9,21 20:7 42:18 114:20 116:17 116:18 <b>officers</b> 36:6,16 82:23 91:15 116:16 <b>Offices</b> 1:19 2:4</p>	<p><b>oh</b> 19:12,23 98:9 104:20 105:6,6 149:17 <b>okay</b> 6:7 7:6,11,17 9:23 35:10 39:20 43:23 64:16 65:5 70:4 84:18 98:2 103:11 114:18 126:10 133:4 154:5 <b>old</b> 9:13 15:18 135:18 137:11,13,14 <b>older</b> 15:23 76:15 <b>oldest</b> 137:14 <b>once</b> 7:18 10:6 35:13 46:18 80:14 93:11 95:8,18 99:10,10 103:7 133:8 <b>oncoming</b> 53:3 71:22 <b>one</b> 5:18 6:5,22 17:6,10 17:11,12,13,14,14 19:17,21 20:5,11,17 20:19 21:11,16 22:18 22:20 28:13 29:18 30:20 33:22 34:10 41:17,18,19 42:23 50:14 51:23 52:2 64:18 65:13,13 77:17 78:1 84:16 102:13,22 102:23 114:9 116:10 116:17 125:19 129:2 132:16 143:11 145:13,17 146:9 147:15 153:22 <b>ones</b> 108:3 <b>only</b> 12:10 22:18,20 28:14 41:7 42:18 48:3 55:6,7 56:2 63:8 74:17 85:8,10 92:10 95:3 110:19 111:11 116:4 118:4 123:13 128:5 150:18 <b>onto</b> 36:15 37:3,14 52:14 54:6 75:18 76:5 <b>open</b> 42:21 61:14 91:8 91:9,12 95:5,7,22 96:10 <b>opened</b> 71:2 80:18,22 83:12 104:14 <b>opening</b> 97:23 <b>Operate</b> 11:17 <b>operator</b> 13:4,5 <b>opportunity</b> 80:21 83:11 <b>opposite</b> 70:2 71:1 72:6 <b>ordeal</b> 149:23 <b>ordinary</b> 122:11 <b>organizations</b> 16:21 <b>originally</b> 19:17,22</p>	<p><b>other</b> 4:10,14,20 6:14 7:21 9:5,10 14:16 17:1,3,15 18:6 20:11 20:13 23:2 24:7 27:6 43:5 64:18 77:17 78:19 82:2 84:4,17 89:4,14 94:14 97:5 97:16,17 107:5 109:21 115:9 116:4,8 134:17 136:7 142:19 144:16,18 146:10 149:2 <b>out</b> 13:23 14:10 15:5 18:18 24:2,9 25:19 26:4 27:2 31:4 33:2 35:3,3,8 37:4 40:5 47:6 48:22 52:19 61:14 64:9,21,23 69:22 70:5,18 71:3 71:19 72:1 74:9,15 74:23 78:16,19 79:3 79:20 80:13,20,21 81:7,11 82:22,23 83:5,8,9,10,12,13,20 84:11 85:17 86:4,7,8 86:19 88:17,23 93:5 93:16,19,20,23 94:3 94:16,17,19,22 95:1 95:4,9 96:8,9,10,20 96:22 97:7,8,10,11 97:14 98:21 99:8 100:17,20 102:20 104:13 107:9 110:19 111:12 112:14 113:13,20 114:23 115:10 116:1 117:6 118:5,8,20 120:22 122:8,11,12 123:17 124:2,6,9,11 127:15 127:18 135:8 138:7 139:3,5,9,11,19 140:5,14,15,18,21,23 144:14 145:16,19 146:2 152:12,14 153:10 156:4 <b>outright</b> 132:10 <b>over</b> 6:14 10:20 19:18 19:19,22 24:22 25:2 44:10,15 46:11 51:7 56:18 57:17,19,23 58:13,19,21,22 74:14 82:9 84:22 98:15 99:1 107:1 109:11,16 110:11,13,16,21 114:12 123:2 132:5 146:11,16 148:11 149:10,12 150:20 151:12 <b>overnight</b> 22:6,7</p>	<p><b>owed</b> 145:23 <b>own</b> 13:16,21 86:5 132:10 151:22 152:8 152:8 <b>owned</b> 13:16,21 76:14 146:9 <b>o'clock</b> 24:18 126:7</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>page</b> 2:23 <b>pages</b> 156:1 <b>paid</b> 11:18 13:11 24:14 <b>panic</b> 74:4 <b>pants</b> 92:12 96:5,18 97:17,20 99:20,21,23 101:17 <b>paper</b> 22:13 125:4 127:15,18 <b>paragraph</b> 46:13 130:13 <b>part</b> 12:13 64:11 71:6 93:21 97:16,19 104:10 106:4 <b>parties</b> 4:3,17 5:1 156:4,7 <b>party</b> 4:14,20 9:5 17:2 <b>pass</b> 144:16 <b>passed</b> 40:9,13 73:17 74:7 117:3 <b>passenger</b> 44:18,19 45:2,20 54:13 60:18 83:19,23 84:13 99:14 <b>passenger's</b> 83:21 85:1 85:16,20 94:20,21 115:11 <b>passing</b> 44:8 143:3,9 <b>past</b> 113:17,20 141:18 144:13 <b>patrol</b> 100:3 121:6 <b>pause</b> 18:1 58:7 66:22 <b>pawn</b> 135:13 <b>pawning</b> 148:10 <b>pay</b> 13:14,15 40:6 <b>paying</b> 92:15 <b>payment</b> 145:17,21 <b>Peddler's</b> 47:1 <b>pen</b> 37:17 <b>people</b> 82:9 128:14 152:13,18 154:3 <b>per</b> 46:5 <b>period</b> 73:23 <b>permanent</b> 149:2 <b>permission</b> 139:12 <b>permit</b> 33:8,10 138:12 <b>person</b> 92:8 97:16 98:3 98:8,10 99:4 128:9 <b>personalized</b> 81:19 <b>personally</b> 121:11 132:12</p>	<p><b>persons</b> 36:9 <b>phone</b> 21:23 73:7,9,20 74:1 110:11 131:11 134:21 135:17,18,19 135:20 136:2,8 <b>phones</b> 135:21 136:3,9 <b>Photograph</b> 3:1,2,3,6,7 3:8,9,10 <b>physical</b> 137:19 <b>pick</b> 63:2 73:4 139:13 142:3 <b>picked</b> 73:23 119:17 134:5 <b>picture</b> 30:8 93:21 94:14 <b>pictures</b> 79:8,11,11 96:16 103:23 108:21 108:22 109:4 140:1 <b>pipe</b> 139:22 <b>pipes</b> 139:19,21 <b>Pistol</b> 138:12 <b>pistols</b> 80:20 <b>place</b> 121:5 <b>placed</b> 98:15 110:1 116:3,5,23 117:7,8 129:11 153:6 <b>plaintiff</b> 1:6 2:2 17:3 155:13 <b>plans</b> 27:5,7 <b>plate</b> 40:4 81:17,19 <b>please</b> 5:11 7:2 <b>plus</b> 18:19 <b>pocket</b> 36:1 97:9 147:1 147:1 <b>pockets</b> 96:8,19 97:12 97:17 <b>point</b> 35:20 48:8 57:2 57:12 64:4,21 73:13 80:9 82:14 87:18 89:8 92:3 94:6 104:19 105:11 109:11 115:22 119:15 123:9 124:1 153:8 <b>Pointe</b> 1:19 2:10 <b>pointed</b> 56:15,16 112:15 <b>pointing</b> 61:22 62:10 78:6,10 94:10 119:6 142:1 <b>points</b> 62:23 <b>police</b> 22:16 47:9 57:13 58:17,18,23 87:21 109:21 110:15 111:3 111:9 114:20 115:6 115:23 126:22 141:14,21 150:3,5 <b>ponds</b> 76:13,15 <b>popped</b> 101:15</p>
--	--	---	--	---

<p>posing 87:9 115:3  position 81:3 84:7  positive 30:9 39:8  51:17 62:5 82:6 84:6  85:7 92:6 107:15  113:4 117:12,14  123:23 124:18  129:20 150:19  possession 138:13,16  possessions 123:10  147:22  possible 59:7,10  post 136:13  pound 140:5,13  poured 13:10  Powell 129:18,21,23  power 11:17 12:1,7  13:7,12  prepare 7:23 8:23 9:1  preparing 8:19  Prescription 25:10  present 98:17 100:14  124:13,19 128:17  press 127:14  pretty 15:1 25:23 26:1  59:3 92:5 95:14  113:18  previous 12:8 74:18  previously 33:21 48:4  146:13  prior 11:22 12:17 30:3  30:4 32:23 40:10  42:13,16 49:2  probably 7:18 15:14,14  24:18 30:3 32:8 33:3  62:14 63:6,8,9 64:5  67:7 68:22 73:1 75:2  76:15,23 78:20 101:1  106:18 109:22  119:10 120:13  125:15,17 142:11  Procedure 4:5  proceeded 52:7 121:19  process 95:2  professional 151:10  property 3:11 130:14  131:2,5 132:6 134:5  prosecuted 47:17  prosecutor 142:16  provided 4:14,21 9:8,9  pull 19:19 24:16 44:10  44:15 47:2 56:18  57:17,19,23 58:19,20  58:22 67:9 81:5  82:21 84:21  pulled 19:10,10,17,22  24:1 31:3 44:7 48:11  49:18 53:1 54:20  55:19 60:5 63:20</p>	<p>79:21,22 80:2,7  84:19 93:5 94:17  95:4,8 97:20 116:5  120:7,10 150:20  pulling 24:9 80:19  145:16,19 146:1  purchase 146:22  purchased 21:3 28:2  82:3 132:9  purpose 4:14  pursuant 1:16 4:4  pursuit 62:13 63:1,11  pushed 140:9  pushing 44:22  put 7:3 18:13 32:7 38:7  38:11,20 55:20 88:23  89:8 90:7 95:10,20  96:19 97:8 100:2,9  100:15,18 104:8  105:1,13,14 107:7  109:11,16 116:2,6  120:10 123:8,11,18  123:19,20 125:5,11  130:6 131:3 133:10  143:17 145:20 146:3  148:3,5,7,8,12  149:11 152:15 153:1  153:3,8  P.C 2:9  p.m 126:8,9 154:7  P.O 2:10</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p>quarter 39:14 66:7  76:6,23 77:19  question 4:11 6:17 7:1  7:7,9 35:20 50:15  85:14 153:22  questioning 47:10  questions 4:10 6:8,10  151:3  quick 46:10 49:12  50:18 65:1 115:19  148:2  quickly 70:5  quite 53:9 63:13,15  65:9 69:5 73:8 87:13</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p>radio 105:10,12 110:11  110:16 122:2 140:14  radioed 122:6  rain 30:22 32:5  raining 31:2  ram 60:4 67:20 69:1  70:6  rammed 63:18 65:9  66:11 67:18 70:14  99:20 140:3</p>	<p>ramming 60:6 63:6,7  63:12,14,17 64:6,14  64:16 65:6,9,22 66:3  ran 19:9 36:6 109:17  109:18,20 150:2  Randy's 140:17  range 48:17  rapidly 147:20  rate 13:14  rattling 139:22  raving 96:23  reach 62:15 100:19  110:17  reached 100:8 104:12  105:19 123:15 125:9  125:22 126:1 146:23  reaching 104:11  reading 156:4  real 50:17 148:2  realized 58:23 59:2  really 10:18,19 13:19  46:1,5 51:10 52:11  53:17 69:3 83:22  86:1 88:15,18 91:21  127:20 128:13 129:8  140:4 142:1,18 152:9  rear 40:23 49:4,6,11  52:21 60:8 66:9 69:8  81:14 91:7,8 99:14  139:22  reason 115:4  recall 23:15 72:23  74:12 89:9 91:21  92:15 125:13 127:19  128:4,12 129:8  receipts 34:9  recently 28:16  recess 65:4 109:8 151:2  recognize 92:10 107:16  108:11,16,17 143:10  144:18  recognized 143:11  144:16  recollect 46:9 59:21  89:7 99:7  recollection 18:5  recommend 152:6  recommended 151:19  record 5:12 44:21 78:9  recovered 148:10  redress 140:19  refer 37:2  referencing 93:13  referred 151:21  referring 45:18  refresh 18:5  regained 65:11 68:23  regardless 4:21  registering 40:7</p>	<p>regroup 31:7 36:11  70:17 112:14  regular 20:2 92:12  135:18  related 8:15  relative 143:13,14  relatives 16:2,4,8  release 3:11 133:23  released 18:21 103:14  133:13 137:23  remember 12:2 19:5,20  20:6 36:5 42:19  60:22,23 72:4 73:9  73:10 90:14 125:12  reminded 112:4,5  rephrase 7:3  reply 128:6  report 2:21 35:1,8,12  47:9 126:21  reported 155:6  reporter 1:17 4:7 6:4  6:11,23 66:19 155:5  156:13  REPORTER'S 155:1  representing 4:3,17  5:16  request 127:16,21  132:15  requested 9:10 128:17  132:14  reserved 4:12  residence 11:3 26:11  33:3 38:13 51:2 52:8  131:7 144:8  residences 77:21  residing 26:12 144:9  resisting 103:11  respect 151:4  responded 50:15  response 6:18 30:9  39:8 51:17 62:5 82:6  84:6 85:7 92:6  107:15 113:4 117:12  117:14 123:23  124:18 127:12,15  129:20 150:19  responses 151:15  rest 26:8 27:5 33:18  52:12 53:11 79:2,3  80:15 95:14 108:6  123:14 125:8 148:5  148:12  resting 94:14  result 18:12 138:10  147:13 149:4  results 156:8  retrieve 133:8  review 8:19 9:3  Rich 82:5,10,11</p>	<p>Richard 1:5,15 2:15  4:4 5:5,13 82:12  155:8,12  ride 8:4,7 30:21 31:1,8  riding 49:7 68:8,21  right 7:5,16,20 10:14  11:4 12:11 14:12,20  15:17 20:11 22:22  23:10 25:15 26:16  27:20 30:5,13 31:2  31:12,14 32:1,12  34:8 35:10,21 37:10  37:12,14,15,23 38:10  39:3,9 40:17 41:5  42:1,2 43:8,9,14  44:22 45:5 48:3,8,11  48:13 50:7,18,20  51:1,3,6,11,12 52:7  52:14,23 53:4,20  55:2,4 58:14 59:11  65:17 66:23 68:11  69:7,13,14 70:6,20  71:8,9,13,23 72:3,9  72:16 73:22 75:17  76:10,20,20 77:4,13  77:13,18 78:4,5,6  80:1,4,19 81:2,4,12  81:19 82:5,21 84:19  84:22 85:1,2,9,23  86:14 87:19,22 89:17  89:19 90:3 91:10,17  92:5 93:4 94:12  95:18 97:5 99:3,10  99:13 101:12 103:1  103:14 104:1,11  105:18,21,23 106:1,2  107:19 109:4,13  111:10 112:16,22  113:8,13,17,20 114:7  115:13,22 116:15  117:2 118:13,16,17  119:2,3,10 120:8  123:2 124:2 125:1,5  126:11 129:8 131:1  135:17 137:21 138:3  140:2,10 144:6,8  148:20 149:14  150:21 151:8 152:15  153:9  right-hand 36:1 61:22  62:3  road 14:19 26:10,15,16  26:18 36:9,13,15  37:1,3,5,8,10,11,13  37:15,21,21,23 38:3  38:4 39:7,9,10,15  40:9,13,15 41:2,4,9  41:14,16,17 43:6,16  48:10 52:6 53:12,17</p>
--	--	--	---	---

53:22 54:4 56:3 57:4 57:22 59:1 67:10 71:1 72:3,6 73:15 74:10,11,13,23 75:10 75:14,17,23 76:5 77:13 79:22 116:2 118:14,14,16,22 119:4,5,8,10,18 120:8 142:22 143:12 143:14,19,20,22 144:6,8,21 145:8 150:3 153:23 154:3 rob 50:4 57:6 97:3 robbed 46:14,17 48:4,6 74:5 149:9 robbery 151:23 rolling 52:9,10 83:10 room 5:16 6:7 47:6,6 124:13 roughly 65:16 round 114:18 115:8 Route 15:16,18 rules 4:5 6:3 ruling 4:12 run 57:4,22 76:6 114:23 running 110:21 146:1 rural 41:17	search 97:16 98:2 106:1,16,18 119:21 searched 96:18 98:18 104:7,10 106:4 searching 97:21 98:23 98:23 99:4,11 106:7 106:20 120:4 seat 18:7 28:20,22 29:9 29:14,17 32:9,13 57:3 61:4,17,18,23 61:23 62:11 63:5,16 71:12,19 96:11,12,12 96:13,14 99:16 101:23 102:3,7,11,19 104:2,5,9 105:3 117:9 121:6 122:9 seats 62:8 second 17:11,13 44:21 49:15 54:22 59:12 60:15,19 63:21 66:8 68:13,19 69:13,16,18 70:6,13,14 71:15 131:14 seconds 44:7 48:20,21 59:13,23 66:20 67:18 103:18,19,19,20,20 103:21,22 security 109:19 110:20 see 6:4 22:13 31:23 37:5 39:12 41:4,20 43:17 46:2,6 49:8,10 49:13 51:19 54:16 55:1,14 58:11 59:14 59:15,16,17 60:12 61:8 66:4,5,12,15,17 79:15 80:10,14 81:3 82:22 83:22 84:7 85:15,19 86:2 91:4,6 92:2,8,14 93:6 94:3,4 95:3,12 96:2,2,9,15 96:17,21 97:6,8,10 98:13 99:16 100:2 102:20 103:23 105:22 115:3 119:13 119:19 123:13 125:15,18 127:11 132:21 135:7 138:8 140:2 143:22 146:23 seeing 19:7 36:6 40:10 44:3 154:3 seeked 151:9 seem 147:15 seen 36:8 40:1 42:4,7 44:14 55:2 56:17 58:8 59:21 83:16 87:18 96:1,3 125:16 129:3 131:16 133:21 141:17 150:14,16,22 select 81:21	self-employed 13:18 Selma 9:19 136:17 sent 71:16 September 12:22 service 10:17 11:2 set 28:14 95:10 152:15 156:4 shakes 60:11 Shaking 6:20 shared 11:2 Shavonne 21:13 Shawn 19:8,12 42:11 45:4,20,21 54:14,19 84:12,16,20 85:8,17 85:22 88:3,10,22 89:5 93:5 94:17,21 98:15,17 99:1,5 105:6 106:21,22 107:1 117:9 118:1,6 120:6,9,12,20 124:19 124:20 150:9 sheet 3:5 sheriff 116:12 117:8,21 118:3,10 120:6,17 121:19 127:1 131:12 132:1,3,12,14 sheriff's 89:12 109:23 116:13 120:15 shield 83:16 85:22 86:1 86:3 92:11 Shiny 56:10 Shirley 133:12 135:2,3 137:3 Shirley's 137:8 shoes 92:13 shoot 113:12 114:8 shooting 112:6 114:13 shop 14:11 short 36:1 82:11 92:12 150:23 Shorthand 4:7 155:4 shorts 25:22 101:5,14 154:1 shot 114:9,11 115:16 149:9 150:2 shoulder 44:23 shoved 96:6 97:20 show 17:20 28:5 29:7 31:19 36:19 58:3 61:7 79:7,8,12 93:12 107:13 108:20 115:2 133:19 140:1 showed 78:23 111:9 116:9,16 shows 108:16 shutdown 12:5 side 41:2 44:23 51:7 53:2 61:8,22 62:4 64:18,23 69:21 70:2	71:1 72:6 83:21,23 84:4,13,15 85:1,16 85:18,20 91:7,8 94:11,18,20,22 109:12 110:23 114:4 115:11 116:2 119:22 140:10,15 145:7 153:23 sight 97:13 sighted 150:4 sign 35:7 51:14,15,16 52:7 131:17 132:18 133:23 signal 44:14,17 45:3,23 46:6 signature 5:2 134:2 signing 156:4 since 35:13 48:6 125:16 128:20 129:3 133:19 139:14 141:18 147:16,18 150:14,16 150:20 sir 5:12 6:2 8:1,6,9,12 8:14 9:11 10:2,4 11:4 11:5,10,15 13:17 14:3,18,21 16:1,14 16:23 17:5,17 19:14 21:9,18 23:1,4,7,9,20 24:6,21 25:4,7,9,20 26:14 27:14,19 28:17 28:19,21,23 29:4,15 30:11,14 32:2,18 33:9,11,16 38:14 39:6,23 40:2,12,14 40:16 41:6,10,13 42:6,9,15,21 43:4,19 43:22 45:1,9,13 46:16 48:5,7 49:3,12 50:8,10,13,16,19,22 51:4,19,21 52:13,16 52:20 53:5 55:2,12 56:4 57:16 60:20 61:10,13 62:18 63:3 65:18 66:16,18 67:21 68:2 69:15 70:7,10 71:14 72:14,22 73:6 73:12,21 74:2 77:10 79:4,14,18 81:9,13 81:16,20,22 82:20 83:2,4 85:10 86:22 87:4 89:20 90:11 91:11,16 94:23 95:17 98:19 101:13 104:3,6 106:13,15 107:6,10 112:17 117:1 119:20 120:19 121:9,13,15 122:3 124:3,5 126:14 126:18,20,23 127:2 129:22 130:20 131:4	132:11 134:3,7,16 135:4 136:1,4,11 137:22 138:1,18,21 142:15 144:3,22 145:2,9 147:5 148:21 148:23 151:18 152:3 152:5 153:2,7,14,16 sit 128:22 131:19 sitting 57:3 98:15 110:7 111:6 148:16 situation 74:4 size 56:14 skid 70:22 skinnier 85:4 skinny 82:10 slam 43:15 44:3 slammed 40:21 41:8 88:8 89:22 90:1,6 102:5 104:17,23 slamming 43:5 sleep 149:8,22 152:17 sliding 61:20 slip 3:11 slow 67:4,6 slowed 39:17 64:7 67:5 143:18 slung 101:7 small 41:17 102:8 107:2 145:17 smart 105:2 smoking 74:18 snatched 69:23 70:21 71:20 72:4 99:21 123:17 125:10 snug 101:8 social 16:20 109:19 110:19 sold 145:18,20 146:2 some 6:8 16:12 26:8 30:2 31:23 32:8 34:6 47:8 57:12 82:14 102:14 103:2 104:19 107:18,19 109:11 113:9 119:15 124:1 131:14 132:9 134:13 135:13 143:8 151:20 152:16,17,18 153:8 somebody 50:4 57:5 97:3 129:7 136:6 somehow 61:16 151:12 something 7:14 13:13 34:9 39:17 41:3 46:8 46:12 47:22 67:17 73:3 87:16 92:13 109:6 112:19 118:6 118:10 119:18 120:13 121:11 127:16 131:18 147:23 148:17 153:1
---	---	--	---	---



<p>sometime 26:5,6  somewhere 11:13  12:12 13:2 38:18  53:7 61:6,19 114:1  115:10,14 119:3  126:4,6 152:18  soon 75:18  sorry 17:12 28:18 37:4  55:3 110:3 142:14  148:13  sort 65:11 68:22  South 2:5  southwest 51:10  space 99:9,17  speak 5:7 132:12  139:12 155:9  speaker 110:22  speakers 140:22  specifically 115:12  sped 53:16  speed 48:15 53:8,19  67:4  spell 130:17  spend 20:16,19 22:4  spent 18:22  spinned 64:21,23 69:22  70:18 72:1  spinning 80:14  spinout 70:3,9,13 71:15  71:18 72:19  spoken 7:22 127:22  128:19  spun 59:1 70:5 74:9  78:16,18 79:3,20  80:13 85:17  stand 122:23  standing 80:7 89:18  90:21 91:2,16 96:23  98:20 99:5,13 103:10  104:11,12,16 113:1  113:19 123:1 125:1,5  143:12 153:22  start 12:21 13:15 45:18  75:9 125:9  started 12:8 24:22 31:2  60:4,7 63:12,22 64:6  82:9 83:14 96:1,7  97:21,23 100:6,12,22  104:15 118:5 125:3  125:23 138:8 143:9  starting 30:22  state 1:18 4:8 5:11  26:17 52:2 155:2,5  156:14  statement 47:11 58:16  106:23 126:11,12,16  statements 21:3  STATES 1:1 155:19  station 77:11 120:18</p>	<p>121:2,12,16,21  stations 76:22 77:7  Statute 4:15,21  stay 10:11 48:18 53:12  59:11 63:11 68:18  95:14 117:15 143:14  stayed 15:4 38:16  153:12  staying 147:2  stays 136:17  steering 61:9 69:23  70:19,21 71:6,7,16  80:6,16 82:18 149:18  Stephanie 10:8  stereo 50:2,11 72:15  140:22  still 10:13 15:8 22:21  33:5 49:13 50:11  52:18 55:11 56:2,22  59:3,13 66:5 69:9  70:8 71:10 72:15  83:7 86:16,17 87:8  89:18 91:23 94:8,15  96:22 99:14 102:6,20  103:9 113:1 114:12  114:14,20 117:13  120:16 129:23  145:23 149:1 152:16  152:17  stipulated 4:2,16,23  stipulation 1:16 16:6  STIPULATIONS 4:1  stocky 116:22  stolen 140:14  stood 40:5 86:9  stop 19:15 27:11 51:14  52:4,9,10 57:6 66:19  73:16 88:13,17 97:5  103:7 118:13,22  143:7,8 148:2 150:8  stopped 97:1 100:7  102:18 103:9 118:5,8  118:17 119:11 120:7  141:5 143:11,16  145:7 150:6  store 76:23 77:4,11  120:8,9,12  stores 76:22 77:6  straight 14:11 24:22  86:3  straits 151:8  strange 40:22 150:6  streak 34:1  Street 2:5  stress 151:11  stretch 76:9,17,17  strike 114:3  striking 64:11  struck 114:5</p>	<p>stuck 100:20 101:16  stuff 37:4 106:7 124:4  150:11  subdued 89:3 102:2  substance 112:2 138:13  138:14,16  substantial 34:3  sued 5:17,19  suffering 147:23 149:7  summer 26:1  supervisor 11:20 12:14  support 35:14  supposed 10:18 123:11  150:8  supposedly 132:1  145:11  sure 15:15,17,17 16:10  22:12 34:8,13 35:15  39:3 43:13 53:9  63:13,15 65:9 66:21  69:5 73:8 81:2 83:6  87:13 91:8 113:14  125:18 126:10 143:3  suspect 150:4  suspended 18:17  swamp 75:14  swampy 75:14  swept 90:6  swerved 66:3  swerving 41:4 69:4,6  sworn 5:6 155:9</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>taillight 140:11  take 7:15 17:22 18:2  25:8 26:3,8 65:1,12  70:11 79:10 95:1  96:9 97:7,8,10,11,13  98:3 100:17 105:20  106:16 119:21 121:1  123:3,4,7 124:1,4,9  124:10 150:23  taken 1:15 4:4,6 9:20  18:14 35:8 65:4  95:15 108:22 109:8  109:11 124:2,6  126:22 140:21 151:2  takes 51:5  taking 6:6  talk 6:14 7:13 8:7  18:15 63:17 71:5  107:2 111:18 116:8  127:1 132:14 134:18  135:5  talked 8:10 22:2 23:3  92:22 112:1 121:8  128:10 131:10  141:15 142:9  talking 35:19,22 38:8</p>	<p>65:6 98:8 110:8  132:20 133:19  134:15 143:6 149:20  tall 101:3  tank 120:10  task 43:2 150:10  tax 35:2,3,5,11  taxes 35:7  tearing 32:6 97:23  Tech 14:9,14  technically 10:13  telephone 134:13,17  135:15  tell 14:22 36:21 37:17  49:23 55:13 57:4,12  57:14,15,17,19 58:20  58:22 65:13 75:9  88:15 104:21 106:14  128:22 134:18 140:4  148:3  telling 19:3 39:4 43:18  78:1 86:11 120:8  134:14 147:6 151:6  temp 12:10  temple 71:8  tend 6:21  tennis 92:12  testified 5:8 109:10  testify 47:19 145:11  testimony 43:14 45:20  58:20 108:7 146:12  Thank 153:17  Thanks 153:19  their 27:1 48:9 64:11  64:13 71:3 81:7  83:17 84:11 86:4  120:1 128:12  themselves 89:11 110:9  thereof 156:8  thing 6:13 41:7 43:11  54:10 74:17 92:10  95:3 111:11 112:7  116:4  things 6:5,12,22 39:20  62:3 151:5 152:10  think 10:10 11:7,12  12:20 13:1 14:15  18:8 23:17 26:5 28:2  32:12 35:14 37:9  40:18 41:7 45:6 50:2  51:6 68:20 73:4 74:4  84:8 93:3 104:7  122:23 131:20  147:10 153:10,17  third 17:14 82:2  131:15  though 49:20 69:8  150:12  thought 39:16 40:17,22</p>	<p>41:2 74:3 97:2  131:14  threat 87:9 115:3  three 17:10 18:14  20:12,20 21:4 31:9  31:16 32:19 38:17  64:1 65:10 100:11,21  118:18 131:11 137:1  141:17  three-way 137:4  threw 71:19  through 8:21 9:17  12:13 75:13 95:5,5  97:14 98:6 104:15  122:6 132:15 136:14  throughout 100:14  throw 74:15,22 96:10  97:14  throwing 139:3,5,11  thrown 74:20 139:9  ticket 18:18,19,20  ties 146:19  tight 99:17 101:6  127:11  time 4:11,12 8:13 10:22  11:2 12:6,18 16:12  19:7 20:16 22:2,4  24:16 26:12 29:18  33:1,23 34:2 35:4  36:5,8 40:23 43:13  43:14 46:4 48:3 49:8  49:17 50:12 53:6,11  54:18,20 55:16 57:18  58:23 59:4,12,14  60:5,15,19 62:12  63:1,9,10,21 64:1  65:14,15,19 66:4  67:15,22 68:5,9,13  70:13,14 71:2,13  72:16,17,18 73:12,13  73:15,16 74:5,7,8,16  80:5 81:11 83:3,15  83:21 85:6 86:20  87:11,21 88:20 89:7  89:19 90:19 92:18,19  92:23 95:15,22 99:3  100:5 102:13 104:13  105:16 109:2 111:4,6  111:8,9 117:3 121:5  121:7 122:12 126:15  127:23 128:2,5,16  131:16 138:4 142:9  144:9 146:21 147:2  147:17,22 148:22  150:4,10,18 151:13  152:11  times 10:5 23:2 46:17  64:1 65:7,10 100:11  100:21 114:8 131:11</p>
--	---	---	---	--

136:12 141:15 tire 121:17 Titus 47:15,16 today 6:7 7:22,23 8:5 8:20,21 17:2,15 58:9 128:22 152:1 together 5:15 8:4,4 10:23 11:1 21:4 36:4 told 20:12 42:22,23 59:18 83:6 84:8 87:2 93:3 97:1 103:11 104:7 105:8 112:22 115:6,23 122:23 123:2,4,6,7,17 124:9 125:10 127:8 131:11 131:12,18 132:2,3,4 132:20,22 133:2 135:6,11 138:15,17 139:3,11,12 140:20 141:12,20 142:3 149:1 151:15 152:21 top 6:14 21:20 25:15 87:8 90:23 91:1,2,17 100:9,20 129:8 131:1 143:17 topper 11:17 tossed 142:5 touch 62:12 touched 62:14 63:9 toward 51:1 52:7 62:10 70:19 72:2 93:16,17 106:22 123:1 133:16 145:22 146:22 towards 41:5 51:3,13 76:3 77:2,3 94:1 113:22 144:14 Town 39:16,22 98:22 100:8 106:22 116:7 117:9 118:11 trade 13:20 14:16 16:13 traffic 51:18,19 53:3 55:18,22 74:11,12 102:12 150:8 154:2 trailed 48:22 50:20 60:2 trailer 76:7 trailing 54:3 transcript 156:2 transcription 6:16 transmission 24:2 travel 53:18 72:9,13 traveled 39:7 77:6,8 traveling 76:3 treated 23:5,8 treatment 127:13 128:18 151:7,20 152:2 trial 4:19 47:19 138:19	138:22,23 tried 32:22 123:16 130:14 136:13 142:6 151:6,14,17 trouble 30:21 true 156:2 trunk 46:3 97:22 98:7 98:23 104:14,16,17 106:3,6 140:23 truth 5:7,7,8 155:9,10 155:10 try 6:13 7:3 49:1 73:11 131:22 135:13 151:19 152:4,9 trying 44:10,12 46:7 50:4 53:23 54:2 55:13 57:4,6,20 73:2 78:9 97:3 118:20 138:8 151:11 tucked 61:15 63:4 Tuesday 23:17 turn 36:12 50:2 75:18 77:13 119:4 turned 36:15 51:1,1,3 51:11,12 54:6 58:13 59:5 75:10 76:10 79:23 105:10,12 118:6 143:15,19 147:18 turning 39:14 52:23 75:22 76:5 118:17 Tuscaloosa 17:13 21:15,17 22:5,9 twenties 33:19 108:6 123:13,21,22 twice 7:19 22:23 65:10 84:20 two 15:6,22 18:22 20:20 21:4 24:4,7 26:21 33:18 36:6,8 38:17 44:9 45:8 49:10 56:2 60:4 64:1 65:10 66:20 67:20 72:3 75:16 76:1,8,12 76:15 81:10 82:2 85:8,10 108:6,20 125:21,21 126:1,6,7 129:2 133:14 141:17 141:18 two-lane 41:15 51:23 52:2 two-month 12:10 type 103:2 T-shirt 25:22 92:11 T-shirts 44:9 59:19,20 59:22	51:17 62:5 82:6 84:6 85:7 92:6 107:15 113:4 117:12,14 123:23 124:18 129:20 150:19 uncle 12:14,15 136:13 136:13,15 under 22:19 37:19 38:7 38:23 61:15 underneath 93:22 101:11 140:10 understand 7:2 39:3 57:8 85:5 94:18 108:14 118:19 150:13 understanding 7:10 34:22 50:3 131:10 understood 7:9 83:6 85:3 underwear 154:4 unemployment 33:21 unfair 148:18 uniform 2:21 20:6 uniforms 20:9 union 16:13 unit 111:9 UNITED 1:1 155:19 units 109:21 unknown 36:8 until 11:14 12:23 15:5 43:16 59:5 63:6,11 64:6,15,20 68:23 73:15 74:8,13 80:15 89:7 90:5 92:4,19 95:15 102:1 115:22 116:3 137:20 unusual 43:7 upside 43:11 95:21 use 135:15,19 used 4:13,20 15:16 16:16 76:13 82:10 using 44:21 usually 147:19	110:1,10 111:2,3 114:12 115:23 116:5 116:6,13 118:7 120:11 139:13,18 143:11 144:18,20 147:21 148:15 vehicles 40:9 56:2 74:9 82:2,15 116:8 118:18 143:2,9,10 144:16 venire 16:7 verbal 6:18 126:12 127:14 verbally 97:19 101:23 132:17 very 9:14 147:20 153:17 VFW 16:21 Vic 116:12 view 40:23 49:4,6,11 52:22 55:6 60:8 66:9 69:8 visit 133:7 134:9 visitation 133:4 visual 66:13 visually 106:4 Vodka 29:22 vs 1:7 155:14	W Wait 6:16 waited 121:14 waived 4:19 5:3 156:5 waiver 35:3,3,5 waiving 4:22 walked 90:15 walking 8:3 47:5 110:8 114:17 118:8 wall 123:1 wallet 36:2 96:8,10,15 96:20 97:6,13,14 Walter 132:8 want 13:1 18:9 20:8 34:9 47:15 49:20 50:1 53:17 54:5 64:9 65:12,12 67:7 79:8 81:1 83:5 136:19 139:16 wanted 30:23 99:15 warehousing 147:17 warm 26:2 Warrant 109:19 wasn't 19:17 40:6 47:21 48:1,14 54:2 57:10 64:14 69:5 70:15 87:9 88:3,10 91:9 92:15 95:22 98:16 99:9 103:19 108:8,9 112:5 115:2 124:20 138:4 140:6	watch 55:18 watched 100:17,19 117:11 watching 55:18,22 57:9 57:10 88:12 100:16 waved 120:5 waving 143:20 wavy 53:17 54:4 way 7:4 37:5 49:20,21 49:22 50:20 51:20,23 52:2 67:23 71:22 72:7 79:12 94:3 144:10 weapon 33:8,10 54:22 55:1 56:5,7,14 111:14 112:8,12,15 wearing 28:22 29:1 59:19 71:12 101:5,7 101:11 109:2 Webb 1:19 2:9 Wednesday 1:20 131:16 155:23 week 23:15 30:3,4 133:1 weeks 20:20 21:4 weigh 100:23 weighing 101:1 weight 82:8 well 5:18 7:19 9:17 10:12,17 12:5 13:19 22:18 26:21 29:20 30:20 34:16 37:8 38:15 46:7 52:23 53:19,21,23 57:8,17 66:1 75:13 83:19 86:6 88:20 89:15 93:15 112:6 115:5 117:4 123:3 141:22 147:15 151:8 went 14:11 16:17 21:2 23:23 24:22 27:9 41:12,21 47:10 71:21 71:21,22 72:1,2,8,11 80:14 93:5 97:22 98:6 100:7 104:14 106:3,5 118:4 120:12 120:21 139:16 142:4 143:21 150:7,16 were 9:16 10:7,9 13:11 15:7 18:12 20:22 22:14,15 23:19 24:7 24:9,14 25:2,6,21 26:7 27:4,16 28:22 32:3 33:17,18 36:2 43:16,20 44:12,21 47:4,5 48:4 49:11 49:16 50:6 52:22 53:6,11,15,23 57:8 57:13 59:18 60:12,16
---	---	---	--	--	--



62:21 64:4,17,17,20 65:5,19 66:12,13 68:4,8 70:8,11 72:18 74:8,8,9 78:10,15,16 79:20 81:11 83:7 85:8,16 86:11 87:21 89:18 90:23 91:1 93:2,6,8,10,11,13 98:12,17 101:3,5,5,6 101:11 103:16 106:12 107:2 108:19 108:21 109:2,11,15 110:18 112:3 113:1 115:5 116:2,23 117:13 121:12 124:6 126:16 128:23 129:10 133:5 134:13 134:14,19,21 137:17 137:20,23 138:2 140:7 145:7 151:5 152:22 153:3,6,8 154:1 weren't 23:18 71:12 148:22 west 1:8 2:7 5:20 42:4 42:16 45:5 51:6,7,8 59:5 83:20,23 84:14 85:19 88:4 89:1,8 95:20 98:18 105:12 107:6 111:13 118:8 120:5,11,17 121:17 122:7,23 123:7,11,16 139:2,5 140:20 150:14,16 152:23 155:15 West's 42:12,13 147:13 wet 32:5 we'll 7:18 28:5 31:19 37:1 38:7 51:12 58:3 107:13 151:4 we're 5:16 6:6 17:1,12 17:14 18:16 29:7 35:19 36:20 38:8 72:19 79:9 91:5 113:16 133:19 we've 6:4,11 65:2 84:18 wheel 61:9 69:23 70:20 70:21 71:6,17,20 80:6,17 82:19 149:18 wheels 52:11 72:3 When's 142:9 while 16:16 18:18 22:13 25:2,6 30:2 57:1 61:2 62:12 69:5 71:7 91:9,14,17 98:12,17 99:4 101:18 103:9 104:16 106:9 106:20 120:16 121:11 125:16	126:16 129:2 131:19 133:4 137:17 138:2 140:12 149:10,12 white 20:9 34:5,14,18 116:21 whole 5:7 15:10 39:20 50:11 68:9 72:15,17 74:19 100:14 102:21 106:18 121:7 149:23 155:10 wiggling 64:2 Wilcox 78:11 144:14 Wilford 2:8,16 5:10,14 16:5,11 65:1 66:21 109:6,9 150:23 win 34:11,16 wind 45:15 window 45:10 74:15 95:6 winnings 34:21 35:1,8 146:11 witness 5:1,2,6 8:18 25:1 38:5,9,22 39:2 39:11 60:11 87:1 121:15 130:9 156:3 witnessed 128:8 142:21 143:3 144:20 145:1,6 woke 24:19 won 34:2,6,12,14 wooded 75:5 76:9 woods 75:16 woofers 140:23 words 88:6 wore 20:7 work 11:4,11,22 12:7 45:12 100:10 136:5 138:2,5 worked 11:14 12:13,18 12:23 19:21 43:2 working 12:21 24:23 25:6 138:4 worry 123:18 125:11 wouldn't 61:20 62:10 100:10 101:21 102:6 102:10 131:22 132:18 wound 78:13 79:12,19 85:15,17 142:22 Wright 130:16 134:15 136:12 144:1,2 145:5 wrists 127:10 write 38:23 writing 59:20 written 126:15 wrong 34:10 119:7 wrote 18:20 W-R-I-G-H-T 130:19 W-2s 35:8	X X 38:11,20 Y yards 69:12 77:16,20 yeah 9:7,22 13:6 14:13 15:11,11 18:4,7,11 18:14 19:4 20:18,23 22:8,10 24:11 26:1 26:20 30:6 32:15 34:23 37:14 41:19 43:11 45:16,17 47:10 48:11,14 49:18,22 52:10 56:9 58:15 62:2 63:6 67:5 71:10 72:1 75:21 76:23 77:3,18 78:2,4,8 81:5 82:13,17 84:2,23 85:13,13 86:15,19 87:20 93:9,23 95:13 96:19 98:10 105:15 105:18 110:17 111:17 113:2,6,9 115:7 116:3,14 118:2 120:23 131:8 132:3 134:23 136:22 139:19 140:9 142:13 143:8 144:15 147:7 year 11:8 12:8 14:6 15:10 18:10 35:11 years 10:20 13:23 82:9 132:9 137:1 141:18 yelled 92:18 yelling 83:15 Yep 19:16 yield 51:15,16 52:7 York 136:17,23 Youngblood 14:19 26:10 younger 116:21 y'all 8:4,7 9:10 10:9,11 10:16,22 25:2,6 26:3 26:23 50:1 56:2 87:15 88:13 135:5 141:15 143:6 Z zipper 99:23 101:14,15 zoomed 37:6 \$ \$1,000 146:15 \$10 11:19 13:15 \$100 33:18 108:6 123:13,21 133:9 \$450 146:10 148:9 \$50 145:22 146:5,10,13 146:15,18,22 147:1,3 \$500	35:19,22 108:4 145:11,14 146:20 \$99 133:13,15 \$99.50 134:5 # #66 1:17 156:12 0 03 12:9,9,17 46:20 04 12:1 28:2 34:12 05 11:12,13,22 23:18 34:15 35:13 38:12 42:14,17 100:23 06 11:9,14 150:17 07 19:6 1 1 2:21 17:18,21 1:55 154:7 10 3:9 48:20,21 59:13 59:23 67:18 73:19 98:4,5 103:20,22 106:19 108:18,21 117:4 120:20 10,000 130:11,11 10-minute 73:23 10:00 1:21 107 3:8 108 3:9,10 11 3:10 108:18,21 11:30 26:6 12 3:11 125:22 126:3,4 133:17,20,21 13th 156:9 133 3:11 14 1:21 155:23 140 15:16,18 15 117:4 119:23 15.50 13:13 153 2:17 155 156:1 16 36:15 37:3,5,10,13 37:21 38:7 39:7,10 40:13 46:13 75:11,14 75:20 1600 34:17 17 2:21 19 15:23 1971 27:17 2 2 3:1 15:16,18 28:3,6 28:10 45:14 77:19 79:1 91:5 93:11,14 94:5,11 113:16 2/24/74 9:12 2:06-cv-701-ID.CSC 1:7 155:22	2:30 125:21 126:1 20 69:11 121:3 20-something 137:15 2000 13:2 2005 15:7 23:13 29:10 31:7 79:13 108:23 2007 1:21 155:23 156:9 21 15:8 26:11,13,17,19 31:12 33:6 36:13 37:1,16 38:15 48:23 49:2 50:21,23 51:11 51:13,14,18,22 52:5 52:15,19,22,23 53:8 54:6,21 70:1,23 73:16 74:13 75:1,2,4 75:11 76:3,10,20 77:6,12,14,15 78:6 79:13-94:2,4 100:6 118:4,9,16,17,19,22 119:5,9,22 120:21 142:23 143:7 22 130:5 240909 2:10 25 17:11 25th 17:10 263 38:16,17 119:1 275 101:1 28 3:1 42:17 28th 23:13,18 29:10 31:7 42:14 79:13 108:22 129:11 134:19 138:11 149:5 280 101:1 29 3:2 3 3 3:2 29:5,8,11 30:7 32:11 61:3,5 86:21 30 44:6 67:7 69:11 109:22 111:1 300 77:20 31 3:3 33 9:15 35 46:5 48:12 53:12,14 53:21 64:8 67:7,16 70:8 357 62:20,23 36 3:4 3600 34:19 36104 2:5 36124 2:11 39 130:13 4 4 3:3 31:17,20 4th 139:15 40 46:5 48:12 53:12,14 64:8 45 48:16 53:20,22
--	---	---	--	---

65:21 109:22 111:1 450 148:8				
5				
5 2:16 3:4 36:17,21 118:21 132:5 5th 129:12 137:20 139:15 5-9 101:4 50 48:16 500 33:14,15 55 45:14 53:7,9 64:5 65:22 58 3:5				
6				
6 3:5 58:1,4,6 6th 139:16 64 14:19 26:10				
7				
7 3:6 26:15,16,19 36:9 36:13,16 37:1,11,15 37:21 38:1,3,4 39:9 39:15 40:10 41:14 48:10 51:14 52:4 53:12,22 73:15 74:11 74:23 75:4,10,17,20 75:23 76:5 79:5,9,16 81:4,10,14 82:22 95:12 104:1 118:14 118:15 119:5,8,10 142:22 7.50 13:15 7/21 78:1 71 27:18 7475 1:19 2:10 79 3:6,7				
8				
8 3:7 79:5,9,16 81:4,10 82:22 95:12 104:4 847 2:5				
9				
9 3:8 107:11,14,17 108:12,16 9-30-2008 156:13 92 14:7 93 13:23 14:15 97 10:10 17:11 20:15 20:18 98 17:13 21:17 99 12:22				

**DEPOSITION OF CHRISTOPHER WEST**

**January 21, 2008**

**Pages 1 through 64**

**PREPARED BY:**

**Haislip, Ragan, Green, Starkie & Watson, P.C.**

**566 South Perry Street**

**Post Office Box 62**

**Montgomery, AL 36104**

**Phone: (334) 263-4455**

**Fax: (334) 263-9167**

**E-mail: haislipragan@charter.net**

**EXHIBIT**

**2**

tabbies



Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RICHARD MARSHALL,  
Plaintiff,

vs. CIVIL ACTION NO.  
2:06-cv-701-ID.CSC

CHRIS WEST, in his individual  
capacity, LASHUN HUTSON, in his  
individual capacity,

Defendants.

\*\*\*\*\*

DEPOSITION OF CHRISTOPHER WEST, taken  
pursuant to stipulation and agreement before Tracye  
Sadler Blackwell, Certified Court Reporter and  
Commissioner for the State of Alabama at Large, in  
the Law Offices of Webb & Eley, 7475 Halcyon Pointe  
Drive, Montgomery, Alabama, on January 21, 2008,  
commencing at approximately 9:10 a.m.

\*\*\*\*\*

Page 2

APPEARANCES

ON BEHALF OF THE PLAINTIFF:

Mr. Jay Lewis  
Law Offices of Jay Lewis  
Attorney at Law  
847 South McDonough Street  
Montgomery, Alabama

ON BEHALF OF THE DEFENDANTS:

Mr. Daryl L. Masters  
WEBB & ELEY, P.C.  
Attorneys at Law  
7475 Halcyon Pointe Drive  
Montgomery, AL 36117  
Mr. Rick A. Howard  
NIX, HOLTSFORD, GILLILAND, HIGGINS & HITSON  
Attorneys at Law  
Suite 300  
4001 Carmichael Road  
Montgomery, AL 36106

ALSO PRESENT:

Mr. Lashun Hutson

\*\*\*\*\*

Page 3

EXAMINATION INDEX

BY MR. LEWIS ..... 5

PLAINTIFF'S EXHIBITS

1 Evidence Submission/Analysis Forms	42
2 Courtesy Warning	46
3 Deposition	47
4 Complaint and Warrant	51
5 Alabama Uniform Incident/Offense Report	52
6 6-28-05 Statement Form of Christopher West	55

\*\*\*\*\*

STIPULATIONS

It is hereby stipulated and agreed by and  
between counsel representing the parties that the  
deposition of CHRISTOPHER WEST is taken pursuant to  
the Federal Rules of Civil Procedure and that said  
deposition may be taken before Tracye Sadler  
Blackwell, Certified Court Reporter and  
Commissioner for the State of Alabama at Large,  
without the formality of a commission, that

Page 4

objections to questions other than objections as to  
the form of the question need not be made at this  
time but may be reserved for a ruling at such time  
as the said deposition may be offered in evidence  
or used for any other purpose by either party  
provided for by the Statute.

It is further stipulated and agreed by and  
between counsel representing the parties in this  
case that the filing of said deposition is hereby  
waived and may be introduced at the trial of this  
case or used in any other manner by either party  
hereto provided for by the Statute regardless of  
the waiving of the filing of the same.

It is further stipulated and agreed by and  
between the parties hereto and the witness that the  
signature of the witness to this deposition is  
hereby waived.

\*\*\*\*\*



Page 5	Page 7
<p>1 THE COURT REPORTER: Usual 2 stipulations? 3 MR. MASTERS: Yes. 4 MR. LEWIS: Yes. 5 6 CHRISTOPHER WEST 7 The witness, after having first been duly sworn 8 to speak the truth, the whole truth, and nothing 9 but the truth, testified as follows: 10 EXAMINATION 11 BY MR. LEWIS: 12 Q. Tell us your name, please. 13 A. Christopher Stewart West. 14 Q. And how are you employed, Mr. West? 15 A. By the Lowndes County Sheriff's Department. 16 Q. And how long have you been employed by the 17 Lowndes County Sheriff's Department? 18 A. About 11, 12 years, I think. 19 Q. And what's your position with Lowndes 20 County Sheriff's Department? 21 A. I'm a deputy sheriff. 22 Q. Do you hold any particular rank as a deputy 23 sheriff?</p>	<p>1 Community Affairs through a grant. There 2 are several law enforcement agencies, 3 including district attorney's office, 4 within our three-county circuit. 5 Each year an agency -- all the agencies 6 are allowed to place an agent or an officer 7 on the drug task force. Some agencies 8 choose to participate. Most don't because 9 of funding issues. Currently there's the 10 Lowndes County Sheriff's Office, the 11 Hayneville Police Department, and the 12 district attorney's office that are 13 participating on the drug task force as 14 part of the grant. 15 Q. Okay. So those three agencies make up the 16 drug task force? 17 A. Yes, sir. 18 Q. Are there federal agents assigned to that? 19 A. No, sir. 20 Q. But your salary continues to come from the 21 Lowndes County Sheriff's Office? 22 A. That's correct. 23 Q. And the Lowndes County Sheriff's Office in</p>
Page 6	Page 8
<p>1 A. I'm a lieutenant. 2 Q. How many people are employed in the Lowndes 3 County Sheriff's Office? And by that I 4 mean people who are in law enforcement as 5 opposed to jail work. 6 A. Between 10 and 12 deputies, I think. 7 Q. And what is your particular job as 8 lieutenant? Do you have any particular 9 responsibility in that position? 10 A. Yes, sir. I'm drug task force commander. 11 Q. And help me understand the drug task force 12 because there's always some confusion about 13 whether it's a legal entity, whether it has 14 its own personnel practices, whether it has 15 its own policies. Tell me, if you will, 16 what the 2nd Judicial Drug Task Force is. 17 MR. MASTERS: Object to the form. 18 Go ahead and answer as best as 19 you can, Chris. 20 A. The drug task force is a task force that's 21 made up of several agencies. We're funded 22 by the Department of Justice through the 23 Alabama Department of Economic and</p>	<p>1 turn receives a grant to cover your 2 activity with the drug task force? 3 A. The Lowndes County Commission does, not the 4 sheriff's office. 5 Q. Does the Lowndes County -- does the drug 6 task force have a separate policies and 7 procedures manual for you to follow? 8 A. Yes, sir, we do. 9 Q. And are the policies and procedures in that 10 promulgated by the Department of Justice or 11 by some individual agency or the task force 12 as a group? 13 A. A board of directors that form up the drug 14 task force. We have a board of directors 15 that meet periodically, and if new rules or 16 guidelines need to be established, then the 17 board members will collectively make a 18 decision on how to establish that. 19 Q. Okay. And do those guidelines include 20 tactical operations, the way you perform 21 your duties, the day-to-day activities in 22 which you're involved? 23 A. Yes, sir.</p>

Page 9

1 Q. Does the Lowndes County Sheriff's Office  
2 have its own set of rules and regulations  
3 for you to go by?  
4 A. Yes.  
5 Q. And who puts those out?  
6 A. The sheriff.  
7 Q. Have you discovered any conflicts between  
8 the sheriff's guidelines and policies and  
9 those of the drug task force?  
10 A. No, sir.  
11 Q. So they're pretty much consistent?  
12 A. Yes, sir.  
13 Q. Let me get a little personal information on  
14 you. What's your address?  
15 A. Physical or mailing?  
16 Q. Physical.  
17 A. 235 -- no. 214 Norman Drive, Fort Deposit.  
18 Q. Okay. 214 Norman Drive?  
19 A. Yes.  
20 Q. And what's your educational background?  
21 A. I graduated high school, currently in  
22 college.  
23 Q. And where are you in college?

Page 10

1 A. Herzing in Birmingham.  
2 Q. Where?  
3 A. Herzing. Herzing College in Birmingham.  
4 Q. Herzing?  
5 A. Yes, sir.  
6 Q. What sort of school is that?  
7 A. It's a private school.  
8 Q. And you're looking for a four-year degree  
9 from there?  
10 A. Yes, sir.  
11 Q. What year are you at Herzing?  
12 A. My final year.  
13 Q. And what's your major?  
14 A. Homeland security and public safety.  
15 Q. When did you graduate from high school?  
16 A. In '86.  
17 Q. Have you had any additional training since  
18 1986 other than what you're getting at  
19 Herzing College?  
20 A. In regards to ...  
21 Q. Your position, your job --  
22 A. Yes, sir.  
23 Q. -- criminal justice, that sort of thing.

Page 11

1 A. Yes, sir.  
2 Q. Tell me about those.  
3 A. It's just a --  
4 Q. And I don't want the two-day seminars and  
5 stuff like that.  
6 A. Yeah. There's just numerous ...  
7 Q. Okay. Have you been to the FBI Academy?  
8 A. Yes, sir.  
9 Q. How long a course was that?  
10 A. Ten weeks.  
11 MR. HOWARD: Can we take a second?  
12 MR. LEWIS: Sure.  
13 (A brief recess was taken.)  
14 Q. (Mr. Lewis continuing:) Have you had any  
15 other training courses that have been six  
16 weeks or longer?  
17 A. No, sir, I don't believe so.  
18 Q. Have you been to any law enforcement  
19 advanced driving academies?  
20 A. No, sir.  
21 Q. Let me call your attention to June 28th,  
22 2005. And I'll represent to you that's the  
23 date that everybody agrees that the

Page 12

1 incident with Mr. Marshall about which  
2 we're here today occurred. What had you  
3 been doing that entire day?  
4 A. At my office. Got up out of bed that  
5 morning and went to work.  
6 Q. Okay. What projects were you working on  
7 that day?  
8 A. I don't remember.  
9 Q. Okay. Do you remember when you left your  
10 office?  
11 A. No, sir, not exactly.  
12 Q. Okay. At some point that day did you hook  
13 up with Mr. Hutson?  
14 A. Yes, sir.  
15 Q. At what point did you do that?  
16 A. I don't really remember. He may have -- we  
17 may have been in the office together that  
18 morning and discussed Mr. Marshall, or I  
19 may have picked him up at another  
20 location. I just don't remember.  
21 Q. When you say you might have picked him up,  
22 do you recall who was driving?  
23 A. I was driving.

Page 13	Page 15
<p>1 Q. Do you recall what you were driving?</p> <p>2 A. Yes, sir.</p> <p>3 Q. What were you driving?</p> <p>4 A. A Lincoln.</p> <p>5 Q. What model?</p> <p>6 A. Town Car.</p> <p>7 Q. What year? Do you remember?</p> <p>8 A. No, sir, I don't remember.</p> <p>9 Q. And why were you driving a Lincoln Town</p> <p>10 Car?</p> <p>11 A. I don't remember exactly why we were</p> <p>12 driving the Lincoln that day.</p> <p>13 Q. Was that Lincoln a vehicle that had been</p> <p>14 confiscated?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And had there been a condemnation</p> <p>17 proceeding as to that Lincoln?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And it had been condemned and your office</p> <p>20 had it?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Why were you discussing Mr. Marshall that</p> <p>23 day?</p>	<p>1 And it wasn't -- I don't know if you really</p> <p>2 could consider it a dirt road. It's more</p> <p>3 like a -- more like a big driveway that</p> <p>4 kind of went up a hill and then it took a</p> <p>5 right right in front of the mobile home</p> <p>6 where he was living at at the time. And as</p> <p>7 it went on past his house, I guess maybe</p> <p>8 less than a hundred yards or so it kind of</p> <p>9 turned into a little more narrow trail so</p> <p>10 to speak. So I don't even know if it's</p> <p>11 considered -- if it has a name. It could</p> <p>12 be a private drive.</p> <p>13 Q. All right. Did you know Mr. Marshall prior</p> <p>14 to this time?</p> <p>15 A. No, sir.</p> <p>16 Q. Had you had any law enforcement contact</p> <p>17 with Mr. Marshall prior to this time?</p> <p>18 A. Never met him. Never seen him before.</p> <p>19 Q. Had you received any prior information</p> <p>20 about Mr. Marshall prior to that time?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And what information had you received?</p> <p>23 A. The same information in reference to drug</p>
Page 14	Page 16
<p>1 A. I had received information that</p> <p>2 Mr. Marshall was selling dope at his</p> <p>3 residence, selling illegal drugs at his</p> <p>4 residence.</p> <p>5 Q. Where did you get that information?</p> <p>6 A. I don't remember.</p> <p>7 Q. Did you make any notes of where you got</p> <p>8 that information from?</p> <p>9 A. I may have.</p> <p>10 Q. Would you have preserved those notes?</p> <p>11 A. No, sir.</p> <p>12 Q. Did your information indicate what sort of</p> <p>13 drugs he was supposed to be selling?</p> <p>14 A. Crack cocaine and marijuana.</p> <p>15 Q. And based on that information what, if</p> <p>16 anything, did you do?</p> <p>17 A. We drove out to Mr. Marshall's residence to</p> <p>18 do a knock-and-talk and to just discuss</p> <p>19 with him the information that we had</p> <p>20 received.</p> <p>21 Q. And where was Mr. Marshall's residence?</p> <p>22 A. Just off Highway 21 on a little dirt road.</p> <p>23 I don't recall the name of the dirt road.</p>	<p>1 activity.</p> <p>2 Q. When you got to his house, what, if</p> <p>3 anything, did you do?</p> <p>4 A. I believe that we knocked on the door and</p> <p>5 no one came to the door. We got back in</p> <p>6 our vehicles and -- or got back in our</p> <p>7 vehicle and left the residence. Agent</p> <p>8 Hutson had some information about another</p> <p>9 place that was, I think -- I think it's</p> <p>10 referred to as the Casey community. It's</p> <p>11 kind of in that area. It's not in the</p> <p>12 exact same area, but it's in that part of</p> <p>13 the county. And when we were leaving</p> <p>14 Mr. Marshall's residence, we were going to</p> <p>15 go to this home down in the Casey</p> <p>16 community.</p> <p>17 Q. And what information did you have about the</p> <p>18 Casey community that led you to go down</p> <p>19 there?</p> <p>20 A. Agent Hutson had that. I'm not exactly --</p> <p>21 I'm not exactly sure.</p> <p>22 Q. So you were looking for Mr. Marshall?</p> <p>23 A. Yes, sir.</p>

Page 17

1 Q. Did you know what kind of car Mr. Marshall  
2 was likely to be driving?  
3 A. Yes, sir.  
4 Q. And what were you on the lookout for?  
5 A. A blue Chevy Nova, older -- older -- older  
6 type vehicle.  
7 Q. And just so I'm clear, you did not -- you  
8 do not recall today how you received the  
9 information about Mr. Marshall allegedly  
10 selling drugs?  
11 A. No, sir. It could have been someone we  
12 interviewed and I just made a note on  
13 some -- a small Post-it, or it could have  
14 been a phone call. I know we received it  
15 on more than one occasion.  
16 Q. And when you received that information, do  
17 you have a present sense of whether or not  
18 you believed that information to be  
19 reliable?  
20 A. If -- if it was a source that was a  
21 reliable source and the time frame allowed,  
22 I would have obtained a search warrant for  
23 his residence. But we're doing a

Page 18

1 knock-and-talk, so maybe -- it could have  
2 been a reliable informant that just knew  
3 that activity was going on and just  
4 referred it to me and we went out to do the  
5 knock-and-talk. If it was reliable, we  
6 would obtain -- I mean, if it was reliable  
7 and within the time frame allowed, we would  
8 have gotten a search warrant.  
9 Q. Okay. So the fact that you didn't get a  
10 search warrant would seem to indicate that  
11 it was not the sort of information that you  
12 would have taken to a judge at that time;  
13 correct?  
14 A. That's correct. Not at that time.  
15 Q. All right. So you're on your way to the  
16 Casey community. How do you get to the  
17 Casey community from where Mr. Marshall's  
18 residence is?  
19 A. You know, I'm not exactly sure because I  
20 don't think I've ever been there before.  
21 But, now, Agent Hutson is familiar with it.  
22 Q. Okay.  
23 A. But I know it's -- you got to -- in the

Page 19

1 direction we were coming from, you have to  
2 go down County Road 7. Because we were on  
3 21. I mean, he -- where he lives is just  
4 off 21.  
5 Q. Right.  
6 A. So if you're coming back toward Hayneville  
7 from Mr. Marshall's residence, you take a  
8 left on County Road 7.  
9 Q. And prior to your encountering Mr. Marshall  
10 had you taken that left?  
11 A. Yes, sir.  
12 Q. So you were on County Road 7 at that time?  
13 A. That's right.  
14 Q. What, if anything, happened then?  
15 A. We met Mr. Marshall's vehicle, and I -- I  
16 said, well, that's his vehicle right  
17 there. We turned around and got behind his  
18 vehicle.  
19 Q. Okay. And what then?  
20 A. Mr. Marshall didn't have on a seatbelt. I  
21 observed that he didn't have on a  
22 seatbelt. And we've got a blue-and-white  
23 warning light that is powered -- it's a

Page 20

1 12-volt power that you plug into the  
2 cigarette lighter. And I placed it on the  
3 dash of the vehicle and activated that  
4 light behind his vehicle.  
5 Q. What did Mr. Marshall do in response to  
6 that?  
7 A. Kept driving.  
8 Q. How fast were you going at the time you  
9 first activated this light?  
10 A. I don't -- I don't recall.  
11 Q. Well, would you consider it an excessive  
12 rate of -- without regard to miles per  
13 hour, an excessive rate of speed, an  
14 ordinary rate of speed, a slow rate of  
15 speed?  
16 A. An ordinary rate. It wasn't exceeding the  
17 speed limit.  
18 Q. And your position is that Mr. Marshall --  
19 that you activated this light?  
20 A. That's correct.  
21 Q. And the light was working at the time?  
22 A. Yes, sir.  
23 Q. And there were blue-and-white strobes or



Page 21	Page 23
<p>1 flashes coming off the light?</p> <p>2 A. That's correct.</p> <p>3 Q. All right. So Mr. Marshall kept on</p> <p>4 driving?</p> <p>5 A. That's right.</p> <p>6 Q. What did you do then?</p> <p>7 A. Blew the horn, flashed the headlights, and</p> <p>8 even at one point pulled alongside his</p> <p>9 vehicle.</p> <p>10 Q. What color was this Lincoln Town Car you</p> <p>11 were in?</p> <p>12 A. It's kind of a bluish/aquamarine type</p> <p>13 color.</p> <p>14 Q. Doesn't look much like a police car though?</p> <p>15 A. No.</p> <p>16 Q. So you blew the horn, and Mr. Marshall just</p> <p>17 continued to keep driving; right?</p> <p>18 A. Yes, sir.</p> <p>19 Q. You say you pulled up alongside him. Tell</p> <p>20 me about that.</p> <p>21 A. We pulled alongside the vehicle. And, like</p> <p>22 I said, it -- he's got an older car. It</p> <p>23 doesn't run that fast. Pulled alongside</p>	<p>1 Q. At some point you're -- setting the scene</p> <p>2 here, you have turned onto Highway 7. You</p> <p>3 meet him. He's coming toward you?</p> <p>4 A. That's correct.</p> <p>5 Q. You turn around and you're going back,</p> <p>6 what, south on Highway 7 approximately?</p> <p>7 A. Yeah.</p> <p>8 Q. Back toward Highway 21?</p> <p>9 A. That's correct.</p> <p>10 Q. And when I say Highway 7, I mean County</p> <p>11 Road 7.</p> <p>12 A. That's right.</p> <p>13 Q. Heading back toward Highway 21?</p> <p>14 A. Uh-huh (positive response).</p> <p>15 Q. What, if anything, happened when you hit</p> <p>16 Highway 21?</p> <p>17 A. He speeds up a little bit. It's a little</p> <p>18 wider highway than the county road.</p> <p>19 Q. Did he turn onto Highway 21?</p> <p>20 A. Yes, he did.</p> <p>21 Q. Which direction did he turn?</p> <p>22 A. Going toward his residence, away from</p> <p>23 Hayneville toward Wilcox County.</p>
Page 22	Page 24
<p>1 the vehicle. Our windows are down. I</p> <p>2 think Agent Hutson holds up his badge. And</p> <p>3 it's a pretty good -- it's a pretty good</p> <p>4 size badge. It's round and it has a</p> <p>5 leather cover around it. It's a gold badge</p> <p>6 with a black background. And he holds it</p> <p>7 up. I mean, we're probably as close from</p> <p>8 me to you. And he holds up the badge and</p> <p>9 says pull over. And Mr. Marshall is</p> <p>10 yelling and cussing, and he's very -- has a</p> <p>11 very defensive appearance about himself.</p> <p>12 And so Agent Hutson is holding up the</p> <p>13 badge. And then at one point we even</p> <p>14 removed the light from the dash and we've</p> <p>15 got the badge in one hand and the light in</p> <p>16 the other saying pull over. And he's</p> <p>17 looking, I mean, directly at us. And he</p> <p>18 says, you know, fuck y'all or something to</p> <p>19 that nature, you know, I'm not pulling</p> <p>20 over, you know. And so he keeps on going.</p> <p>21 And so we pull -- you know, we back off and</p> <p>22 pull back in behind the vehicle just</p> <p>23 following behind him.</p>	<p>1 And less than maybe 50 to 75 yards he</p> <p>2 throws something out the window that</p> <p>3 actually hits us in the windshield, a</p> <p>4 plastic baggy. I seen enough of those in</p> <p>5 my years. I know what a plastic baggy</p> <p>6 looks like. It hits us and just kind of</p> <p>7 flies off to the side. So I'm making</p> <p>8 mental notes to try to remember where this</p> <p>9 evidence or whatever came out of the</p> <p>10 window.</p> <p>11 And he continues to go in the direction</p> <p>12 of Wilcox County. So we pull up beside him</p> <p>13 again, you know, hey, pull over. We got</p> <p>14 the badge just like this right here and the</p> <p>15 light, you know, pull over. And he's just</p> <p>16 yelling and cussing, you know, fuck you</p> <p>17 all, I'm not doing it, I'm not pulling</p> <p>18 over, you know.</p> <p>19 And so we back off. And I tell Shun, I</p> <p>20 says, hold on. Because he's moving around</p> <p>21 in his seat. There's -- you know, he's</p> <p>22 like looking down. He's -- there's a lot</p> <p>23 of movement going on in the seat with him.</p>

Page 25

1 And I tell Shun, I says, you know, you hold  
2 on because something is going on here.

3 And so I bump his vehicle a couple of  
4 times thinking that that will, you know,  
5 make him pull over, but he still -- you  
6 know, he's yelling and he's -- and he sees  
7 us. I mean, he's looking in the mirror.

8 He sees us back -- he sees the blue light.

9 And so he ducked, and then I just kind  
10 of, you know, pushed his bumper a little  
11 bit. And his vehicle swerves and comes up  
12 on this side of the road. Never harm  
13 anything. I don't even think it hurt the  
14 grass. And he came to rest in the  
15 vehicle. The vehicle came to rest up on  
16 the embankment. And I believe I backed up  
17 because I took a position -- a defensive  
18 position -- his vehicle -- if my wrist is  
19 the front of his vehicle, then the nose of  
20 my vehicle took a position like -- at an  
21 angle like this.

22 And we opened our doors with our  
23 weapons drawn behind our -- behind the

Page 26

1 doors. And I said to him -- I said, get  
2 out of your vehicle and get on the ground.  
3 And he just sat there cussing and just  
4 sweating, and his eyes were red. It was a  
5 bad situation.

6 Q. Let's go back just a little bit. Earlier  
7 you had said that when you pulled up next  
8 to him you were as close as you were to  
9 me --

10 A. Yeah.

11 Q. -- right now. And I estimate that distance  
12 to be about four to five feet. Would that  
13 be accurate?

14 A. Or maybe further. Something like that. I  
15 mean, I could see his face and I'm  
16 driving. And Shun is even closer than I  
17 am. But I'm driving. There's nothing else  
18 on the road. And I'm looking him in his  
19 face and he's looking at us. And he sees  
20 the light and the badge is just like this.  
21 And, like I say, it's a gold badge with a  
22 black background and a blue-and-white  
23 strobe just flashing.

Page 27

1 Q. I understand --

2 MR. MASTERS: Object to the form  
3 of the previous question.

4 Just listen to his questions  
5 and answer his questions.

6 THE WITNESS: Okay. I'm sorry.

7 Q. The question -- the cars would have been  
8 approximately four to five feet apart?

9 A. Yes, sir.

10 Q. And when you say you pulled alongside him,  
11 I'm assuming that you mean that your car's  
12 passenger's side was next to his car's  
13 driver's side?

14 A. Yes, sir.

15 Q. And to clarify what you said about how you  
16 stopped --

17 MR. MASTERS: Excuse me. Object  
18 to the form of the previous  
19 question.

20 Did you hear the  
21 question, Chris? Which side  
22 was closest to which?

23 THE WITNESS: Shun's side was

Page 28

1 closest to his driver's side.

2 MR. MASTERS: So your car's  
3 passenger's side was close to  
4 his car's driver's side?

5 THE WITNESS: That's right.

6 MR. MASTERS: I think you said the  
7 opposite, Jay. I may be  
8 mistaken.

9 MR. LEWIS: Well, I'll -- we'll go  
10 with the fact that his car --

11 that Mr. West's car's  
12 passenger's side was next to  
13 Mr. Marshall's driver's side.

14 MR. MASTERS: I may be mistaken,  
15 but I thought you said the  
16 opposite.

17 MR. LEWIS: That's fine.

18 Q. But to clarify, you didn't pull over to the  
19 right to get up next to his car. You  
20 pulled to the left?

21 A. Yeah. I pulled as if I was passing his  
22 car.

23 Q. Right. Okay. And this is a two-lane

<p style="text-align: right;">Page 29</p> <p>1 highway?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Are you familiar with what a PIT is?</p> <p>4 A. Yes, sir.</p> <p>5 Q. What is a PIT?</p> <p>6 A. It's a -- what's referred to as PIT</p> <p>7 maneuver.</p> <p>8 Q. And that's a precision intervention</p> <p>9 technique or precision interdiction</p> <p>10 technique?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And is that what you performed on</p> <p>13 Mr. Marshall's car?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And to clarify -- correct me if I'm</p> <p>16 wrong -- that's a procedure by which you</p> <p>17 pull up next to the car with your front</p> <p>18 fender next to his rear fender and then</p> <p>19 slow down and simultaneously turn into his</p> <p>20 car bumping it into a turn; correct?</p> <p>21 A. Something of that nature.</p> <p>22 Q. And that's pretty much what you did on that</p> <p>23 occasion?</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. And what, if anything, was Mr. Marshall</p> <p>2 saying to you at the time?</p> <p>3 A. Cursing.</p> <p>4 Q. Okay. Have any recollection of the</p> <p>5 specific language he was using?</p> <p>6 A. Fuck y'all, why y'all fucking with me,</p> <p>7 things of that nature.</p> <p>8 Q. Going back to when you say he threw a baggy</p> <p>9 out of the car and hit your car. In what</p> <p>10 way did he -- I mean, tell me what you saw</p> <p>11 as that baggy came out of the car.</p> <p>12 A. I saw his arm go up and the bag come out.</p> <p>13 Like I said, we could see him moving around</p> <p>14 in the car.</p> <p>15 Q. And you made note of where that baggy had</p> <p>16 gone off the road?</p> <p>17 A. Yes, sir.</p> <p>18 Q. You've got him in the car. Did he have a</p> <p>19 passenger with him?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And what did the passenger do, if</p> <p>22 anything?</p> <p>23 A. Nothing really.</p>
<p style="text-align: right;">Page 30</p> <p>1 A. Yes, sir.</p> <p>2 Q. And his car came to rest off the road;</p> <p>3 correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Based on what you said.</p> <p>6 And did it come to rest facing back in</p> <p>7 the direction from what you had come?</p> <p>8 A. Yes, sir.</p> <p>9 Q. So instead of going toward Wilcox County,</p> <p>10 it is now headed away from Wilcox County in</p> <p>11 the grass?</p> <p>12 A. That's correct.</p> <p>13 Q. On the opposite side of the road?</p> <p>14 A. Yes, sir.</p> <p>15 Q. You then backed up and angled your car</p> <p>16 toward his car just off the road?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. I think we've got the scene set.</p> <p>19 And you indicated that you jumped out</p> <p>20 of the car and Mr. Hutson jumped out of the</p> <p>21 car, weapons drawn, and yelled at</p> <p>22 Mr. Marshall to get out of the car?</p> <p>23 A. That's correct.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Just sat there?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Did you hear the passenger cursing?</p> <p>4 A. No, sir.</p> <p>5 Q. And Mr. Marshall's window, was it up or</p> <p>6 down?</p> <p>7 A. Down.</p> <p>8 Q. What's the next thing that happened?</p> <p>9 I know I sound like a prosecutor, but</p> <p>10 what happened then?</p> <p>11 A. Mr. Marshall -- he got out of his car. He</p> <p>12 was standing -- he had the door open and</p> <p>13 was standing between the car and the door.</p> <p>14 And he's yelling and cussing. And I tell</p> <p>15 him several times to get on the ground. He</p> <p>16 will not comply. And several more times I</p> <p>17 say get on the ground, get on the ground</p> <p>18 now. He won't comply. And I fired my</p> <p>19 weapon in the ground, I guess, some</p> <p>20 seven -- six to eight feet out from him</p> <p>21 into the ground.</p> <p>22 At that point he was shocked that that</p> <p>23 even happened. I could see the appearance</p>

Page 33

1 on his face. That's when I left from  
2 behind my door, my weapon still pointed at  
3 him -- or my weapon pointed at him, and as  
4 I approached him, I grabbed him. I don't  
5 remember where I grabbed him, but I know I  
6 grabbed him and I put him on the ground.  
7 And he -- he was very resistant.

8 But he was cussing and just combative.  
9 Not very combative, but just not wanting to  
10 comply at all. But I was able to get my  
11 handcuffs out and put the handcuffs on  
12 him. And I think Agent Hutson got the  
13 passenger out and placed the handcuffs on  
14 him.

15 I left him there on the ground after I  
16 got him handcuffed and looked into the  
17 vehicle. On the driver's seat right there  
18 in the middle was a .357 Magnum. And in  
19 the ashtray was .357 rounds. There was  
20 some rounds in the floorboard and might  
21 have been some loose rounds in the seat.  
22 But I know the gun was loaded. And there  
23 was a -- like a liquor flask there in the

Page 34

1 seat and, I think, a pack of Swisher Sweet  
2 cigars, a partial pack or something.

3 I get him -- after I see this stuff  
4 right here, I'm -- I pat him down. And I  
5 think -- when I -- when I'm trying to get  
6 him -- when I get him to the ground, he's  
7 got these big -- real big shorts on that  
8 are the bagging shorts. So they basically  
9 come off of him. He doesn't have on a belt  
10 or anything. And so cars are coming by and  
11 he's there in his underwear. So I'm trying  
12 to get him to get into the back seat of the  
13 car, basically trying to save him from some  
14 humiliation because he's standing there in  
15 his boxers, so -- but he won't comply. He  
16 just won't do nothing I'm asking him. So  
17 eventually I get him pushed into the back  
18 seat because, like I say, traffic is coming  
19 by.

20 And the other guy, I think Agent Hutson  
21 sits him over on the embankment. He's  
22 cool. He's not saying anything. He's not  
23 resisting in any manner. I call a marked

Page 35

1 unit. The marked unit comes out and  
2 transports them. I take some photos. And  
3 that's pretty much the gist of it.

4 Q. Going back to when you had him on the  
5 ground and were doing the search of the  
6 vehicle. Did you also do a search of him,  
7 did you say?

8 A. I patted him, patted his pockets to see if  
9 he had any weapons or anything in his  
10 pockets.

11 Q. Did you remove a wallet?

12 A. I may have. I don't remember.

13 Q. Did you remove any money from him?

14 A. I may have.

15 Q. If you removed any money from him, did you  
16 turn in all of the money you removed from  
17 him?

18 A. Yes, sir.

19 Q. Turned it in to whom?

20 A. The jail.

21 Q. Okay. Anything else you turned in to the  
22 jail other than possibly money?

23 A. No, sir.

Page 36

1 Q. Okay.

2 A. If he didn't have any weapons --

3 MR. MASTERS: Chris, just answer  
4 his question.

5 THE WITNESS: Okay.

6 Q. Well, what would have been your normal  
7 procedure for dealing with confiscated  
8 property?

9 A. If he didn't have any weapons, normally I  
10 would leave it in his pockets because the  
11 jail is going to pick that stuff up when he  
12 gets there anyway.

13 Q. Do you recall whether you did that in this  
14 case or not?

15 A. No, sir.

16 Q. What did you do then after he was trans --  
17 let me go back.

18 You said that you called for a marked  
19 unit?

20 A. Yes, sir.

21 Q. And did a marked unit arrive?

22 A. Yes, sir.

23 Q. From what jurisdiction was that marked



Page 37

1 unit?  
 2 A. Lowndes County.  
 3 Q. And do you recall who was in that marked  
 4 unit?  
 5 A. Yes, sir.  
 6 Q. Who was that?  
 7 A. Deputy Phil Harding.  
 8 Q. And what did Deputy Phil Harding do when he  
 9 got on the scene?  
 10 A. Took Mr. Marshall and put him in the back  
 11 seat of his vehicle.  
 12 Q. By that time had Mr. Marshall calmed down?  
 13 A. No, sir.  
 14 Q. Still combative?  
 15 A. No, sir, not combative. Just still ...  
 16 Q. Hostile?  
 17 A. Yes, sir.  
 18 Q. But you didn't have to -- nobody had to  
 19 fight him to get him in the patrol car?  
 20 A. I don't recall, no, sir.  
 21 Q. And did the patrol car then leave with  
 22 Mr. Marshall?  
 23 A. Yes, sir.

Page 38

1 Q. What happened to the passenger?  
 2 A. He rode with me.  
 3 Q. And did you have any trouble out of him at  
 4 all?  
 5 A. No, sir.  
 6 Q. Do you recall who he was?  
 7 A. What's that boy's last name?  
 8 I know, but I can't remember right now.  
 9 Q. Had you had any contact with him before?  
 10 A. No, sir.  
 11 Q. Didn't know him?  
 12 A. No, sir.  
 13 Q. When's the next time you saw Mr. Marshall?  
 14 A. I went to interview him a few days later.  
 15 Q. At that time had he been charged with  
 16 anything?  
 17 A. Yes, sir.  
 18 Q. And do you recall how long he was held  
 19 before he was charged?  
 20 A. He was charged the day that I arrested him.  
 21 Q. And you signed a warrant on him?  
 22 A. Yes, sir.  
 23 Q. Do you recall whether it was you or

Page 39

1 Mr. Hutson who did the paperwork and the  
 2 deposition and got the charge --  
 3 A. I think it was me. I think.  
 4 Q. And the only reason I ask that is I  
 5 couldn't read the signatures.  
 6 A. Okay.  
 7 Q. And tell me about the interview you had  
 8 with Mr. Marshall.  
 9 A. He was calm. We talked just like you and I  
 10 are talking now. And I asked him for a  
 11 statement, and he says, I -- he didn't want  
 12 to give me a statement. And so I told him  
 13 I understood, and that was the end of it.  
 14 Q. Any sense of how long that interview took?  
 15 A. 20, 30 minutes, something like that.  
 16 Q. Going back to the time that Mr. Marshall  
 17 was transported in the deputy's patrol  
 18 car. What did you do after that, after  
 19 Mr. Marshall had been taken away?  
 20 A. We -- we actually all left together. I  
 21 think Agent Hutson drove Mr. Marshall's car  
 22 because it was still fine. And I drove the  
 23 Lincoln. Phil Harding came on the marked

Page 40

1 unit. He had Mr. Marshall. His --  
 2 Mr. Marshall's cousin was with me. And  
 3 Shun drove the Nova.  
 4 I think we may have stopped alongside  
 5 the road looking for the evidence or the  
 6 bag that was thrown out. And I think Phil  
 7 pulled over too. And I think when he  
 8 pulled over he caught a nail in his tire,  
 9 and so he had -- he sprung a leak in his  
 10 tire. So we were maybe a mile -- less than  
 11 a mile from Howard Hooks' store. So Phil  
 12 drove his car up to Howard Hooks' store. I  
 13 went up with him while he changed the tire,  
 14 and Shun took the Nova on back to the jail.  
 15 Q. When you pulled over to the side of the  
 16 road, did you retrieve anything?  
 17 A. I don't remember whether we did at that  
 18 time or not. I think we went back and  
 19 later retrieved it. I don't remember.  
 20 Maybe we did. I don't remember exactly.  
 21 Q. What did you retrieve?  
 22 A. A baggy containing residue.  
 23 Q. And what did you do with that baggy?

Page 41

1 A. I sent it to forensics.  
 2 Q. Tell me about how you, quote, sent it to  
 3 forensics.  
 4 A. I bagged it up in a brown paper bag because  
 5 we were seeking a fingerprint analysis. I  
 6 labeled it to get -- for fingerprint  
 7 analysis. The fingerprint analysts weren't  
 8 able to recover any fingerprints off of  
 9 it. Once I received it from fingerprint  
 10 analysis, I sent it to forensics, to drug  
 11 analysis, and they weren't able to  
 12 determine because there was just not enough  
 13 residue in the bag.  
 14 So I got both of those back, and they  
 15 were just both -- both of the results. And  
 16 there was --  
 17 Q. There was sufficient residue for you to see  
 18 that there was residue?  
 19 A. Yes, sir.  
 20 Q. And yet it was not sufficient for forensics  
 21 to make a determination?  
 22 A. That's correct.  
 23 Q. And you received a report back from

Page 42

1 forensics?  
 2 A. Yes, sir.  
 3 Q. Let me show you what we will mark as  
 4 Plaintiff's Exhibit Number 1.  
 5 (Plaintiff's Exhibit 1 was marked  
 6 for identification.)  
 7 Q. I'm showing you what we've marked as  
 8 Plaintiff's Exhibit Number 1 and ask you if  
 9 you recognize that.  
 10 A. Yes, sir.  
 11 Q. And what is that, please?  
 12 A. It's an evidence submission form.  
 13 Q. And that's page 1?  
 14 A. That's the submission form.  
 15 Q. Okay. Let's go to page 2. What is that?  
 16 A. That's the receipt of submission from  
 17 forensic sciences.  
 18 Q. And that's done in order to preserve what  
 19 we call the chain of custody?  
 20 A. Yes, sir.  
 21 Q. What is the next page?  
 22 A. This is the certificate of analysis from  
 23 forensic sciences.

Page 43

1 Q. And the following page?  
 2 A. It's the evidence submission form for  
 3 latent prints.  
 4 Q. And the following page?  
 5 A. It's the -- it's just a copy of the same  
 6 form.  
 7 Q. And down at the bottom it would indicate --  
 8 it would seem to indicate that the chain of  
 9 custody as to the page we're on was not as  
 10 complete as the previous page?  
 11 A. Say what, now?  
 12 Q. The previous page of the fingerprint  
 13 examination request seems to show a full  
 14 chain of custody down at the bottom. In  
 15 other words, it shows it was received by,  
 16 returned to, and then returned by.  
 17 A. Oh, okay.  
 18 Q. And there's three signatures. And the next  
 19 page seems to just be the original  
 20 submission.  
 21 A. You mean the final page?  
 22 Q. No, no.  
 23 A. Oh, okay.

Page 44

1 Q. Okay.  
 2 A. So are you saying that this guy, Shannon  
 3 Fitzgerald, received it from me and then on  
 4 this page right here is the one where the  
 5 actual examination took place?  
 6 Q. Right.  
 7 A. Okay.  
 8 Q. Is that pretty much the way it looks to  
 9 you?  
 10 A. That's the way it appears.  
 11 Q. Okay. And then let's go to the last page.  
 12 What is that?  
 13 A. This is the -- I guess the findings from  
 14 the examination.  
 15 Q. All right. Let's go back to this third,  
 16 fourth -- yeah, the third page, the  
 17 certificate of analysis.  
 18 A. Yeah.  
 19 Q. What was the result of that analysis as far  
 20 as you can tell?  
 21 A. That the analysis of the residue failed to  
 22 reveal the presence of any controlled  
 23 substances.

Page 45

1 Q. So they were able to perform an analysis?  
 2 A. Yes, sir.  
 3 Q. But simply couldn't find any controlled  
 4 substance?  
 5 A. Couldn't find any controlled substance.  
 6 Q. And the last page, which is the report of  
 7 the fingerprint analysis, what was the  
 8 finding there?  
 9 A. No latent prints of value were found on the  
 10 evidence.  
 11 Q. Okay. But Mr. Marshall was in fact charged  
 12 with possession of controlled substance?  
 13 A. That's correct.  
 14 Q. Was he charged with anything else?  
 15 A. I don't remember. Pistol without a permit,  
 16 I think.  
 17 Q. Had you seen that pistol in Mr. Marshall's  
 18 possession prior to the time you executed  
 19 the PIT maneuver?  
 20 A. No, sir.  
 21 (Plaintiff's Exhibit 2 was marked  
 22 for identification.)  
 23 Q. Let me show you what's marked as

Page 46

1 Plaintiff's Exhibit Number 2 and see if you  
 2 recognize that. What is that, please?  
 3 A. It's a warning citation.  
 4 Q. And it was for attempting to elude and no  
 5 seatbelt; correct?  
 6 A. That's correct.  
 7 Q. With regard to that seatbelt violation, do  
 8 you have any idea whether 1971 Chevrolets  
 9 were even equipped with shoulder harnesses?  
 10 A. No, sir.  
 11 Q. Okay. So it may well be that shoulder  
 12 harnesses were not even available as far as  
 13 you know in 1971?  
 14 A. As far as I know.  
 15 MR. MASTERS: Object to the form.  
 16 A. That's correct.  
 17 Q. And if he had had a seatbelt and not a  
 18 shoulder harness, would you have been able  
 19 to see that from your perspective while  
 20 following him?  
 21 A. No, sir.  
 22 (Plaintiff's Exhibit 3 was marked  
 23 for identification.)

Page 47

1 Q. Let me show you what I've marked as  
 2 Plaintiff's Exhibit Number 3 and see if you  
 3 recognize that.  
 4 A. Yes, sir.  
 5 Q. What is that?  
 6 A. It's a deposition.  
 7 Q. And what is a deposition used for in this  
 8 context?  
 9 A. Probable cause for the clerk to issue a  
 10 warrant.  
 11 Q. And this is the deposition relating to  
 12 possession of controlled substance and  
 13 pistol without a permit; correct?  
 14 A. Yes, sir.  
 15 Q. Who filled out this form?  
 16 A. I did.  
 17 Q. Okay. Looking on the second page up at the  
 18 top where it says complainant, whose  
 19 signature is that?  
 20 A. That's my signature.  
 21 Q. And it says offender attempted to elude DTF  
 22 agents at the same time throwing drug  
 23 evidence out the window.

Page 48

1 Going back to what you had said a  
 2 little earlier. You had said when  
 3 Mr. Marshall turned onto Highway 21 toward  
 4 Wilcox County --  
 5 A. Yes, sir.  
 6 Q. -- he sped up a little --  
 7 A. Yes, sir.  
 8 Q. -- but that his car really was not capable  
 9 of going very fast?  
 10 A. No, sir.  
 11 Q. How fast, if you have a judgment, was  
 12 Mr. Marshall going at the time that you  
 13 executed the PIT maneuver?  
 14 A. I'm not sure.  
 15 Q. But you weren't exceeding the speed limit?  
 16 A. I don't remember.  
 17 Q. But you don't have a sense that you were --  
 18 as of today -- and since you don't  
 19 remember, I'm just trying to clarify this.  
 20 Do you have a sense today that you were in  
 21 a high speed chase?  
 22 A. I would say so, yes, sir.  
 23 Q. Okay. So how high do you think the speed

Page 49

1 was?  
 2 A. I just -- I don't remember.  
 3 Q. So it said attempted to elude DTF agents at  
 4 the same time. Isn't it true what you  
 5 meant by that was he simply failed to stop?  
 6 MR. MASTERS: Object to the form.  
 7 A. I don't know. I mean, I guess that depends  
 8 on how you look at it.  
 9 Q. I guess it does. But he didn't attempt to  
 10 turn on to any other roads and lead you on  
 11 this path through the woods or anything  
 12 like that?  
 13 A. No, sir.  
 14 Q. Okay. He simply turned back toward what  
 15 you knew to be his residence?  
 16 A. Yes, sir.  
 17 MR. MASTERS: Object to the form.  
 18 Q. And it says throwing drug evidence out of  
 19 the window. But at this point you don't  
 20 have any evidence whatsoever that he  
 21 actually threw drug evidence out?  
 22 A. No, sir.  
 23 Q. Offender was forced from the roadway onto

Page 50

1 the opposite side of the roadway where his  
 2 vehicle came to rest. Offender was not  
 3 wearing seatbelt and was highly  
 4 belligerent, cursing, very combative, and  
 5 obviously highly agitated. Have you told  
 6 me everything about that that you can  
 7 recall when you described it earlier?  
 8 A. His demeanor?  
 9 Q. Yeah.  
 10 A. Yeah, I guess. I mean, if I could think of  
 11 a few more words to use, I'd use them.  
 12 Q. Okay. There also was a passenger in the  
 13 vehicle. Both individuals were detained  
 14 and transported to the Lowndes County  
 15 Detention Facility. And have you told me  
 16 everything you can recall about their  
 17 arrest and transportation?  
 18 A. Yes, sir.  
 19 (Plaintiff's Exhibit 4 was marked  
 20 for identification.)  
 21 Q. Okay. Let me show you what's marked as  
 22 Plaintiff's Exhibit Number 4. And this is  
 23 simply a two-page document. Tell me what

Page 51

1 this is, please.  
 2 A. It's the complaint and the warrant.  
 3 Q. Okay. And this also bears your signature?  
 4 A. Yes, sir.  
 5 Q. On the first page?  
 6 A. Yes, sir.  
 7 Q. And on the second page down at the bottom  
 8 where it says sheriff, by, is that also  
 9 your signature?  
 10 A. Yes, sir.  
 11 Q. And that's simply the document that makes  
 12 the charge against Mr. Marshall --  
 13 A. That's right.  
 14 Q. -- on the first page, and on the second  
 15 page it's a warrant to arrest him?  
 16 A. That's correct.  
 17 (Plaintiff's Exhibit 5 was marked  
 18 for identification.)  
 19 Q. Okay. And I think the last thing is  
 20 Plaintiff's Exhibit Number 5. Tell me what  
 21 that is, please.  
 22 A. It's an incident/offense report.  
 23 Q. Okay. We've gone through several pieces of

Page 52

1 paper that you have either authored or had  
 2 something to do with. Tell me all of the  
 3 paperwork that you have to fill out in  
 4 making an arrest such as you made on  
 5 Mr. Marshall.  
 6 A. You mean for a case file or --  
 7 Q. Yeah. Yeah. Have we in front of us all of  
 8 the paperwork that you have executed on  
 9 Mr. Marshall?  
 10 A. You don't -- my statement form is not here.  
 11 Q. Right. But other than that.  
 12 A. There's an arrest report that's not here.  
 13 Q. Okay. Look on the third page of the  
 14 exhibit I've just handed you.  
 15 A. Okay.  
 16 Q. Is that the arrest report?  
 17 A. This is the arrest report right here.  
 18 Q. Is what you have in these exhibits that  
 19 I've given you all of the paperwork you  
 20 would have completed on Mr. Marshall?  
 21 A. Yes, sir, I believe so.  
 22 Q. All right. Let's go to Plaintiff's Exhibit  
 23 Number 5. That's a uniform



Page 53	Page 55
<p>1 incident/offense report?</p> <p>2 A. That's right.</p> <p>3 Q. And tell me what that's for. What's the</p> <p>4 purpose of that?</p> <p>5 A. It just lists myself as whoever is making</p> <p>6 out the report, the agency, the charges or</p> <p>7 the incident, the place of occurrence, the</p> <p>8 date and time. And there's an area in here</p> <p>9 where you will list items that will be</p> <p>10 recovered or whatever. And then down at</p> <p>11 the bottom -- underneath that it will list</p> <p>12 the dollar amount for the items recovered,</p> <p>13 vehicle information.</p> <p>14 On the back page is the information for</p> <p>15 the offender or whoever, suspect, and then</p> <p>16 an area for the witnesses, a narrative, and</p> <p>17 then an area for the signature of the</p> <p>18 officer or whoever the complainant is and</p> <p>19 case disposition area.</p> <p>20 Q. And did you fill out these first two</p> <p>21 pages?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And that's your signature at the bottom of</p>	<p>1 arrest report?</p> <p>2 A. Yes.</p> <p>3 Q. And you normally maintain those in your</p> <p>4 case file --</p> <p>5 A. That's correct.</p> <p>6 Q. -- in the normal course of business?</p> <p>7 A. That's correct.</p> <p>8 Q. All right. Now, you had mentioned that you</p> <p>9 had a statement also that you wrote out.</p> <p>10 I'm going to show you Plaintiff's Exhibit</p> <p>11 Number 6 and ask you if that's a copy of</p> <p>12 your statement.</p> <p>13 (Plaintiff's Exhibit 6 was marked</p> <p>14 for identification.)</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. Let's go through this for just a</p> <p>17 second if we could.</p> <p>18 A. Okay.</p> <p>19 Q. And I think this will be close to the last</p> <p>20 thing that we're going to do today.</p> <p>21 This was June 28th, 2005. Is that the</p> <p>22 date that all this happened?</p> <p>23 A. Yes, sir.</p>
Page 54	Page 56
<p>1 the second page?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And then tell me about this third page,</p> <p>4 which is the Alabama Uniform Arrest Report.</p> <p>5 A. Basically the jail does this. They do this</p> <p>6 in booking. And it has the -- you see the</p> <p>7 defendant's name up at the top, his height,</p> <p>8 weight, color, all of his information, the</p> <p>9 place -- the occurrence of the arrest and</p> <p>10 the charges and then the officer that did</p> <p>11 the booking.</p> <p>12 Q. And that would be Marilyn Mealing?</p> <p>13 A. That's correct.</p> <p>14 Q. Do you know her?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And is that her signature?</p> <p>17 A. I guess it is.</p> <p>18 Q. Have you seen her signature before?</p> <p>19 A. No.</p> <p>20 Q. Okay. Did you retain a copy of this</p> <p>21 Alabama Uniform Arrest Report?</p> <p>22 A. Yes.</p> <p>23 Q. And is this a true and correct copy of that</p>	<p>1 Q. And the time, 7:32 p.m., is that the time</p> <p>2 that you wrote the statement?</p> <p>3 A. Yes, sir.</p> <p>4 Q. This indicates that the incident happened</p> <p>5 sometime at about one o'clock this</p> <p>6 afternoon --</p> <p>7 A. That's right.</p> <p>8 Q. -- that afternoon.</p> <p>9 A. Uh-huh (positive response).</p> <p>10 Q. And you say that you were traveling with</p> <p>11 Mr. Hutson north on Lowndes County Road 7</p> <p>12 and met Mr. Marshall's blue Chevrolet Nova.</p> <p>13 A. Yes, sir.</p> <p>14 Q. You turned around in an attempt to catch up</p> <p>15 with the vehicle.</p> <p>16 A. That's correct.</p> <p>17 Q. As we caught up with the vehicle, I</p> <p>18 observed that neither the driver nor the</p> <p>19 passenger were wearing seat belts. Why was</p> <p>20 that important to you? Why did you put</p> <p>21 that in there?</p> <p>22 A. Probable cause for the stop.</p> <p>23 Q. But what you really wanted to talk to him</p>

Page 57

1 about was drugs?  
 2 A. That's correct.  
 3 Q. And you placed your blue light on the dash  
 4 to gain the attention of the driver. And  
 5 you pulled beside his vehicle, showed  
 6 badges. It says here we showed the driver  
 7 our badges. Earlier you mentioned that  
 8 Mr. Hutson showed the driver his badge.  
 9 Did you show the driver your badge as well?  
 10 A. If that's what the state -- but it also  
 11 says that the driver looked out the window  
 12 and screamed that he wasn't going to pull  
 13 the vehicle over.  
 14 Q. No. The question was, did you show him  
 15 your badge as well?  
 16 A. If that's what the statement says, then I  
 17 did it.  
 18 Q. Do you have any independent recollection of  
 19 showing him your badge?  
 20 A. It's been two years, almost three years. I  
 21 don't -- I can't remember whether I did or  
 22 not.  
 23 Q. Fair enough. And it says that he threw

Page 58

1 drug evidence out the window at about the  
 2 102 mile marker. And if I'm correct, based  
 3 on the analysis and your recollection of  
 4 that analysis, there was nothing to  
 5 indicate it was drug evidence, correct, in  
 6 the final analysis?  
 7 A. That's correct.  
 8 Q. But at that time you thought it was drug  
 9 residue?  
 10 A. I still believe that.  
 11 Q. Okay. Did you do any field tests on that  
 12 residue?  
 13 A. No, sir.  
 14 Q. Have you got the equipment to do field  
 15 tests?  
 16 A. Yes, sir.  
 17 Q. You don't have gas chromatography?  
 18 A. No, sir.  
 19 Q. Pursued Mr. Marshall for 2.4 miles.  
 20 Marshall was still responding violently.  
 21 Did he ever make a violent move toward you?  
 22 A. Where are you at?  
 23 Q. I'm down here at the -- close to the bottom

Page 59

1 of the page. I instructed Mr. Marshall to  
 2 exit his vehicle and get on the ground.  
 3 A. Okay.  
 4 Q. You see that?  
 5 A. Yes.  
 6 Q. Did he ever make a violent move toward you?  
 7 A. No. We had weapons drawn.  
 8 Q. Okay. Never attempted to hit you or  
 9 anything else?  
 10 A. No. He's at his vehicle. We're at ours.  
 11 Q. Never attempted to run away?  
 12 A. No, sir.  
 13 Q. Fired my service weapon into the ground. I  
 14 meant to ask you about that. Does the  
 15 Lowndes County Sheriff's Office have a use  
 16 of force policy?  
 17 A. Yes, sir.  
 18 Q. And what does that use of force policy say  
 19 about discharging a firearm?  
 20 A. I'm not exactly sure.  
 21 Q. Okay. On the second page it says, again,  
 22 that you located and recovered an empty  
 23 torn baggy that at one time had contained

Page 60

1 cocaine. And you've signed that?  
 2 A. Yes, sir.  
 3 Q. Okay. Are you sure that at one time that  
 4 it contained cocaine?  
 5 MR. MASTERS: Object to the form.  
 6 A. Yes, sir.  
 7 Q. And that is your statement that you wrote  
 8 in connection with this case?  
 9 A. Yes, sir.  
 10 Q. How were you dressed that day?  
 11 A. I don't remember.  
 12 Q. Middle of June -- or end of June. Pretty  
 13 hot. Were you probably -- were you  
 14 wearing -- do you recall whether or not you  
 15 would have been wearing short-sleeve shirts  
 16 at that time?  
 17 A. Probably.  
 18 Q. Okay. And the drug task force operates in  
 19 some cases undercover; correct?  
 20 A. That's correct.  
 21 Q. You operate in plain clothes?  
 22 A. That's correct.  
 23 MR. LEWIS: Let me have about five

Page 61	Page 63
<p>1 minutes, Daryl.</p> <p>2 MR. MASTERS. That's fine. Take</p> <p>3 whatever time you need.</p> <p>4 (A brief recess was taken.)</p> <p>5 Q. (Mr. Lewis continuing:) I have just a</p> <p>6 couple more questions.</p> <p>7 Did you fill out a use of force report</p> <p>8 form following the discharge of your</p> <p>9 weapon?</p> <p>10 A. At that time I don't believe our department</p> <p>11 had one. And I still don't believe we had</p> <p>12 one, but what I did do was I did a</p> <p>13 statement and gave it to the sheriff.</p> <p>14 Q. Is that this statement that we've just</p> <p>15 seen?</p> <p>16 A. I think it's the same statement.</p> <p>17 Q. Were you reprimanded in any way for doing</p> <p>18 that?</p> <p>19 A. No, sir.</p> <p>20 Q. Have you ever been reprimanded during your</p> <p>21 period with the Lowndes County Sheriff's</p> <p>22 Office?</p> <p>23 A. Not one time.</p>	<p>1 CHRISTOPHER WEST</p> <p>2 who was duly sworn by me to speak the truth, the</p> <p>3 whole truth and nothing but the truth, in the</p> <p>4 matter of:</p> <p>5 RICHARD MARSHALL,</p> <p>6 Plaintiff,</p> <p>7 vs.</p> <p>8 CHRIS WEST, in his individual</p> <p>9 Capacity, LASHUN HUTSON, in his</p> <p>10 Individual capacity,</p> <p>11 Defendants.</p> <p>12 IN THE UNITED STATES DISTRICT COURT</p> <p>13 FOR THE MIDDLE DISTRICT OF ALABAMA</p> <p>14 NORTHERN DIVISION</p> <p>15 Case Number 2:06-cv-701-ID.CSC</p> <p>16 on January 21, 2008.</p> <p>17 The foregoing 62 computer-printed pages</p> <p>18 contain a true and correct transcript of the</p> <p>19 examination of said witness by counsel for the</p> <p>20 parties set out herein. The reading and signing of</p> <p>21 same is hereby waived.</p> <p>22 I further certify that I am neither of</p> <p>23 kin nor of counsel to the parties to said cause nor</p>
Page 62	Page 64
<p>1 Q. Are you aware of any citizen complaints</p> <p>2 against you that were investigated?</p> <p>3 A. I'm sure citizens have complained.</p> <p>4 MR. LEWIS: I believe that's all I</p> <p>5 have. Thank you.</p> <p>6</p> <p>7 (Deposition concluded at</p> <p>8 approximately 10:35 a.m.)</p> <p>9</p> <p>10</p> <p>11 *****</p> <p>12 FURTHER DEPONENT SAITH NOT</p> <p>13 *****</p> <p>14</p> <p>15 REPORTER'S CERTIFICATE</p> <p>16</p> <p>17 STATE OF ALABAMA:</p> <p>18 MONTGOMERY COUNTY:</p> <p>19</p> <p>20 I, Tracie Sadler Blackwell, Certified</p> <p>21 Court Reporter and Commissioner for the State of</p> <p>22 Alabama at Large, do hereby certify that I reported</p> <p>23 the deposition of:</p>	<p>1 in any manner interested in the results thereof.</p> <p>2 This 6th day of February 2008.</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>Tracie Sadler Blackwell ACCR No. 294 Expiration date: 9-30-2008 Certified Court Reporter and Commissioner for the State of Alabama at Large</p>

<p><b>A</b></p> <p>able 33:10 41:8,11 45:1 46:18</p> <p>about 5:18 6:12 11:2 12:1 15:20 16:8,17 17:9 21:20 22:11 26:12 27:15 39:7 41:2 50:6,16 54:3 56:5 57:1 58:1 59:14 59:19 60:23</p> <p>academies 11:19</p> <p>Academy 11:7</p> <p>ACCR 64:6</p> <p>accurate 26:13</p> <p>ACTION 1:8</p> <p>activated 20:3,9,19</p> <p>activities 8:21</p> <p>activity 8:2 16:1 18:3</p> <p>actual 44:5</p> <p>actually 24:3 39:20 49:21</p> <p>additional 10:17</p> <p>address 9:14</p> <p>advanced 11:19</p> <p>Affairs 7:1</p> <p>after 5:7 33:15 34:3 36:16 39:18,18</p> <p>afternoon 56:6,8</p> <p>again 24:13 59:21</p> <p>against 51:12 62:2</p> <p>agencies 6:21 7:2,5,7 7:15</p> <p>agency 7:5 8:11 53:6</p> <p>agent 7:6 16:7,20 18:21 22:2,12 33:12 34:20 39:21</p> <p>agents 7:18 47:22 49:3</p> <p>agitated 50:5</p> <p>agreed 3:16 4:7,14</p> <p>agreement 1:16</p> <p>agrees 11:23</p> <p>ahead 6:18</p> <p>AL 2:11,14</p> <p>Alabama 1:3,18,20 2:6 3:9,22 6:23 54:4,21 62:17,22 63:13 64:8</p> <p>allegedly 17:9</p> <p>allowed 7:6 17:21 18:7</p> <p>almost 57:20</p> <p>alongside 21:8,19,21 21:23 27:10 40:4</p> <p>always 6:12</p> <p>amount 53:12</p> <p>analysis 41:5,7,10,11 42:22 44:17,19,21 45:1,7 58:3,4,6</p> <p>analysts 41:7</p> <p>angle 25:21</p>	<p>angled 30:15</p> <p>another 12:19 16:8</p> <p>answer 6:18 27:5 36:3</p> <p>anything 14:16 16:3 19:14 23:15 25:13 31:1,22 34:10,22 35:9,21 38:16 40:16 45:14 49:11 59:9</p> <p>anyway 36:12</p> <p>apart 27:8</p> <p>appearance 22:11 32:23</p> <p>APPEARANCES 2:1</p> <p>appears 44:10</p> <p>approached 33:4</p> <p>approximately 1:21 23:6 27:8 62:8</p> <p>area 16:11,12 53:8,16 53:17,19</p> <p>arm 31:12</p> <p>around 19:17 22:5 23:5 24:20 31:13 56:14</p> <p>arrest 50:17 51:15 52:4 52:12,16,17 54:4,9 54:21 55:1</p> <p>arrested 38:20</p> <p>arrive 36:21</p> <p>ashtray 33:19</p> <p>asked 39:10</p> <p>asking 34:16</p> <p>assigned 7:18</p> <p>assuming 27:11</p> <p>attempt 49:9 56:14</p> <p>attempted 47:21 49:3 59:8,11</p> <p>attempting 46:4</p> <p>attention 11:21 57:4</p> <p>Attorney 2:5</p> <p>Attorneys 2:10,13</p> <p>attorney's 7:3,12</p> <p>authored 52:1</p> <p>available 46:12</p> <p>aware 62:1</p> <p>away 23:22 30:10 39:19 59:11</p> <p>a.m 1:21 62:8</p> <p><b>B</b></p> <p>back 16:5,6 19:6 22:21 22:22 23:5,8,13 24:19 25:8 26:6 30:6 31:8 34:12,17 35:4 36:17 37:10 39:16 40:14,18 41:14,23 44:15 48:1 49:14 53:14</p> <p>backed 25:16 30:15</p> <p>background 9:20 22:6 26:22</p>	<p>bad 26:5</p> <p>badge 22:2,4,5,8,13,15 24:14 26:20,21 57:8 57:9,15,19</p> <p>badges 57:6,7</p> <p>bag 31:12 40:6 41:4,13</p> <p>bagged 41:4</p> <p>bagging 34:8</p> <p>baggy 24:4,5 31:8,11 31:15 40:22,23 59:23</p> <p>based 14:15 30:5 58:2</p> <p>basically 34:8,13 54:5</p> <p>bears 51:3</p> <p>bed 12:4</p> <p>before 1:16 3:20 15:18 18:20 38:9,19 54:18</p> <p>BEHALF 2:3,8</p> <p>behind 19:17 20:4 22:22,23 25:23,23 33:2</p> <p>believe 11:17 16:4 25:16 52:21 58:10 61:10,11 62:4</p> <p>believed 17:18</p> <p>belligerent 50:4</p> <p>belt 34:9</p> <p>belts 56:19</p> <p>beside 24:12 57:5</p> <p>best 6:18</p> <p>between 3:17 4:8,15 6:6 9:7 32:13</p> <p>big 15:3 34:7,7</p> <p>Birmingham 10:1,3</p> <p>bit 23:17 25:11 26:6</p> <p>black 22:6 26:22</p> <p>Blackwell 1:17 3:21 62:20 64:5</p> <p>blew 21:7,16</p> <p>blue 17:5 25:8 56:12 57:3</p> <p>blue-and-white 19:22 20:23 26:22</p> <p>bluish/aquamarine 21:12</p> <p>board 8:13,14,17</p> <p>booking 54:6,11</p> <p>both 41:14,15,15 50:13</p> <p>bottom 43:7,14 51:7 53:11,23 58:23</p> <p>boxers 34:15</p> <p>boy's 38:7</p> <p>brief 11:13 61:4</p> <p>brown 41:4</p> <p>bump 25:3</p> <p>bumper 25:10</p> <p>bumping 29:20</p> <p>business 55:6</p> <p><b>C</b></p>	<p>call 11:21 17:14 34:23 42:19</p> <p>called 36:18</p> <p>calm 39:9</p> <p>calmed 37:12</p> <p>came 16:5 24:9 25:14 25:15 30:2 31:11 39:23 50:2</p> <p>capable 48:8</p> <p>capacity 1:10,10 63:9 63:10</p> <p>car 13:6,10 17:1 21:10 21:14,22 28:10,19,22 29:13,17,20 30:2,15 30:16,20,21,22 31:9 31:9,11,14,18 32:11 32:13 34:13 37:19,21 39:18,21 40:12 48:8</p> <p>Carmichael 2:14</p> <p>cars 27:7 34:10</p> <p>car's 27:11,12 28:2,4 28:11</p> <p>case 4:9,11 36:14 52:6 53:19 55:4 60:8 63:15</p> <p>cases 60:19</p> <p>Casey 16:10,15,18 18:16,17</p> <p>catch 56:14</p> <p>caught 40:8 56:17</p> <p>cause 47:9 56:22 63:23</p> <p>certificate 42:22 44:17 62:15</p> <p>Certified 1:17 3:21 62:20 64:7</p> <p>certify 62:22 63:22</p> <p>chain 42:19 43:8,14</p> <p>changed 40:13</p> <p>charge 39:2 51:12</p> <p>charged 38:15,19,20 45:11,14</p> <p>charges 53:6 54:10</p> <p>chase 48:21</p> <p>Chevrolet 56:12</p> <p>Chevroleets 46:8</p> <p>Chevy 17:5</p> <p>choose 7:8</p> <p>Chris 1:9 6:19 27:21 36:3 63:8</p> <p>Christopher 1:15 3:10 3:18 5:6,13 63:1</p> <p>chromatography 58:17</p> <p>cigarette 20:2</p> <p>cigars 34:2</p> <p>circuit 7:4</p> <p>citation 46:3</p> <p>citizen 62:1</p> <p>citizens 62:3</p> <p>Civil 1:8 3:19</p>	<p>clarify 27:15 28:18 29:15 48:19</p> <p>clear 17:7</p> <p>clerk 47:9</p> <p>close 22:7 26:8 28:3 55:19 58:23</p> <p>closer 26:16</p> <p>closest 27:22 28:1</p> <p>clothes 60:21</p> <p>cocaine 14:14 60:1,4</p> <p>collectively 8:17</p> <p>college 9:22,23 10:3,19</p> <p>color 21:10,13 54:8</p> <p>combative 33:8,9 37:14 37:15 50:4</p> <p>come 7:20 30:6,7 31:12 34:9</p> <p>comes 25:11 35:1</p> <p>coming 19:1,6 21:1 23:3 34:10,18</p> <p>commander 6:10</p> <p>commencing 1:21</p> <p>commission 3:23 8:3</p> <p>Commissioner 1:18 3:22 62:21 64:7</p> <p>community 7:1 16:10 16:16,18 18:16,17</p> <p>complainant 47:18 53:18</p> <p>complained 62:3</p> <p>complaint 3:8 51:2</p> <p>complaints 62:1</p> <p>complete 43:10</p> <p>completed 52:20</p> <p>comply 32:16,18 33:10 34:15</p> <p>computer-printed 63:17</p> <p>concluded 62:7</p> <p>condemnation 13:16</p> <p>condemned 13:19</p> <p>confiscated 13:14 36:7</p> <p>conflicts 9:7</p> <p>confusion 6:12</p> <p>connection 60:8</p> <p>consider 15:2 20:11</p> <p>considered 15:11</p> <p>consistent 9:11</p> <p>contact 15:16 38:9</p> <p>contain 63:18</p> <p>contained 59:23 60:4</p> <p>containing 40:22</p> <p>context 47:8</p> <p>continued 21:17</p> <p>continues 7:20 24:11</p> <p>continuing 11:14 61:5</p> <p>controlled 44:22 45:3,5 45:12 47:12</p> <p>cool 34:22</p>
---	---	---	--	--



Deposition of Christopher West

Marshall vs. West; Hutson

January 21, 2008

Page 2

copy 43:5 54:20,23 55:11 correct 7:22 18:13,14 20:20 21:2 23:4,9 29:15,20 30:3,12,17 30:23 41:22 45:13 46:5,6,16 47:13 51:16 54:13,23 55:5 55:7 56:16 57:2 58:2 58:5,7 60:19,20,22 63:18 counsel 3:17 4:8 63:19 63:23 county 5:15,17,20 6:3 7:10,21,23 8:3,5 9:1 16:13 19:2,8,12 23:10,18,23 24:12 30:9,10 37:2 48:4 50:14 56:11 59:15 61:21 62:18 couple 25:3 61:6 course 11:9 55:6 courses 11:15 Court 1:2,17 3:21 5:1 62:21 63:12 64:7 Courtesy 3:6 cousin 40:2 cover 8:1 22:5 Crack 14:14 criminal 10:23 currently 7:9 9:21 cursing 31:3 32:3 50:4 cussing 22:10 24:16 26:3 32:14 33:8 custody 42:19 43:9,14	deposition 1:15 3:7,18 3:20 4:4,9,16 39:2 47:6,7,11 62:7,23 deputies 6:6 deputy 5:21,22 37:7,8 deputy's 39:17 described 50:7 detained 50:13 Detention 50:15 determination 41:21 determine 41:12 direction 19:1 23:21 24:11 30:7 directly 22:17 directors 8:13,14 dirt 14:22,23 15:2 discharge 61:8 discharging 59:19 discovered 9:7 discuss 14:18 discussed 12:18 discussing 13:22 disposition 53:19 distance 26:11 district 1:2,3 7:3,12 63:12,13 DIVISION 1:4 63:14 document 50:23 51:11 doing 12:3 17:23 24:17 35:5 61:17 dollar 53:12 done 42:18 door 16:4,5 32:12,13 33:2 doors 25:22 26:1 dope 14:2 down 16:15,18 19:2 22:1 24:22 29:19 32:6,7 34:4 37:12 43:7,14 51:7 53:10 58:23 drawn 25:23 30:21 59:7 dressed 60:10 drive 1:20 2:10 9:17,18 15:12 driver 56:18 57:4,6,8,9 57:11 driver's 27:13 28:1,4 28:13 33:17 driveway 15:3 driving 11:19 12:22,23 13:1,3,9,12 17:2 20:7 21:4,17 26:16,17 drove 14:17 39:21,22 40:3,12 drug 6:10,11,16,20 7:7 7:13,16 8:2,5,13 9:9 15:23 41:10 47:22	49:18,21 58:1,5,8 60:18 drugs 14:3,13 17:10 57:1 DTF 47:21 49:3 ducked 25:9 duly 5:7 63:2 during 61:20 duties 8:21	52:8 exhibit 42:4,5,8 45:21 46:1,22 47:2 50:19 50:22 51:17,20 52:14 52:22 55:10,13 exhibits 3:4 52:18 exit 59:2 Expiration 64:6 eyes 26:4	61:7 forced 49:23 foregoing 63:17 forensic 42:17,23 forensics 41:1,3,10,20 42:1 form 3:10 4:2 6:17 8:13 27:2,18 42:12,14 43:2,6 46:15 47:15 49:6,17 52:10 60:5 61:8 formality 3:23 Forms 3:5 Fort 9:17 found 45:9 four 26:12 27:8 fourth 44:16 four-year 10:8 frame 17:21 18:7 from 7:20 10:9,15 14:8 18:17 19:1,7 22:7,14 23:22 30:7,10 32:20 33:1 34:13 35:13,15 35:16 36:23 40:11 41:9,23 42:16,22 44:3,13 46:19 49:23 front 15:5 25:19 29:17 52:7 fuck 22:18 24:16 31:6 fucking 31:6 full 43:13 funded 6:21 funding 7:9 further 4:7,14 26:14 62:12 63:22
D Daryl 2:9 61:1 dash 20:3 22:14 57:3 date 11:23 53:8 55:22 64:6 day 12:3,7,12 13:12,23 38:20 60:10 64:2 days 38:14 day-to-day 8:21 dealing 36:7 decision 8:18 Defendants 1:11 2:8 63:11 defendant's 54:7 defensive 22:11 25:17 degree 10:8 demeanor 50:8 department 5:15,17,20 6:22,23 7:11 8:10 61:10 depends 49:7 DEPONENT 62:12 Deposit 9:17	D Daryl 2:9 61:1 dash 20:3 22:14 57:3 date 11:23 53:8 55:22 64:6 day 12:3,7,12 13:12,23 38:20 60:10 64:2 days 38:14 day-to-day 8:21 dealing 36:7 decision 8:18 Defendants 1:11 2:8 63:11 defendant's 54:7 defensive 22:11 25:17 degree 10:8 demeanor 50:8 department 5:15,17,20 6:22,23 7:11 8:10 61:10 depends 49:7 DEPONENT 62:12 Deposit 9:17	E Each 7:5 earlier 26:6 48:2 50:7 57:7 Economic 6:23 educational 9:20 eight 32:20 either 4:5,11 52:1 Eley 1:19 2:9 elude 46:4 47:21 49:3 embankment 25:16 34:21 employed 5:14,16 6:2 empty 59:22 encountering 19:9 end 39:13 60:12 enforcement 6:4 7:2 11:18 15:16 enough 24:4 41:12 57:23 entire 12:3 entity 6:13 equipment 58:14 equipped 46:9 establish 8:18 established 8:16 estimate 26:11 even 15:10 21:8 22:13 25:13 26:16 32:23 46:9,12 eventually 34:17 ever 18:20 58:21 59:6 61:20 everybody 11:23 everything 50:6,16 evidence 3:5 4:4 24:9 40:5 42:12 43:2 45:10 47:23 49:18,20 49:21 58:1,5 exact 16:12 exactly 12:11 13:11 16:20,21 18:19 40:20 59:20 examination 3:1 5:10 43:13 44:5,14 63:19 exceeding 20:16 48:15 excessive 20:11,13 Excuse 27:17 executed 45:18 48:13	F face 26:15,19 33:1 Facility 50:15 facing 30:6 fact 18:9 28:10 45:11 failed 44:21 49:5 Fair 57:23 familiar 18:21 29:3 far 44:19 46:12,14 fast 20:8 21:23 48:9,11 FBI 11:7 February 64:2 federal 3:19 7:18 feet 26:12 27:8 32:20 fender 29:18,18 few 38:14 50:11 field 58:11,14 fight 37:19 file 52:6 55:4 filing 4:9,13 fill 52:3 53:20 61:7 filled 47:15 final 10:12 43:21 58:6 find 45:3,5 finding 45:8 findings 44:13 fine 28:17 39:22 61:2 fingerprint 41:5,6,7,9 43:12 45:7 fingerprints 41:8 firearm 59:19 fired 32:18 59:13 first 5:7 20:9 51:5,14 53:20 Fitzgerald 44:3 five 26:12 27:8 60:23 flashed 21:7 flashes 21:1 flashing 26:23 flask 33:23 flies 24:7 floorboard 33:20 follow 8:7 following 22:23 43:1,4 46:20 61:8 follows 5:9 force 6:10,11,16,20,20 7:7,13,16 8:2,6,11,14 9:9 59:16,18 60:18	G gain 57:4 gas 58:17 gave 61:13 gets 36:12 getting 10:18 GILLILAND 2:12 gist 35:3 give 39:12 given 52:19 go 6:18 9:3 16:15,18 19:2 24:11 26:6 28:9 31:12 36:17 42:15 44:11,15 52:22 55:16 going 16:14 18:3 20:8 22:20 23:5,22 24:23 25:2 30:9 31:8 35:4 36:11 39:16 48:1,9 48:12 55:10,20 57:12 gold 22:5 26:21 gone 31:16 51:23 good 22:3,3 gotten 18:8

grabbed 33:4,5,6 graduate 10:15 graduated 9:21 grant 7:1,14 8:1 grass 25:14 30:11 ground 26:2 32:15,17 32:17,19,21 33:6,15 34:6 35:5 59:2,13 group 8:12 guess 15:7 32:19 44:13 49:7,9 50:10 54:17 guidelines 8:16,19 9:8 gun 33:22 guy 34:20 44:2	34:21 35:4,6,8,13,15 35:17 37:10,19,19 38:3,9,11,14,20,21 39:10,12 40:13 46:20 51:15 56:23 57:14,19 himself 22:11 hit 23:15 31:9 59:8 hits 24:3,6 HITSON 2:12 hold 5:22 24:20 25:1 holding 22:12 holds 22:2,6,8 HOLTSFORD 2:12 home 15:5 16:15 Homeland 10:14 hook 12:12 Hooks 40:11,12 horn 21:7,16 Hostile 37:16 hot 60:13 hour 20:13 house 15:7 16:2 Howard 2:12 11:11 40:11,12 humiliation 34:14 hundred 15:8 hurt 25:13 Hutson 1:10 2:17 12:13 16:8,20 18:21 22:2 22:12 30:20 33:12 34:20 39:1,21 56:11 57:8 63:9	53:13,14 54:8 instead 30:9 instructed 59:1 interdiction 29:9 interested 64:1 intervention 29:8 interview 38:14 39:7 39:14 interviewed 17:12 introduced 4:10 investigated 62:2 involved 8:22 issue 47:9 issues 7:9 items 53:9,12	46:14 49:7 54:14  L L 2:9 labeled 41:6 language 31:5 Large 1:18 3:22 62:22 64:8 Lashun 1:10 2:17 63:9 last 38:7 44:11 45:6 51:19 55:19 latent 43:3 45:9 later 38:14 40:19 law 1:19 2:4,5,10,13 6:4 7:2 11:18 15:16 lead 49:10 leak 40:9 leather 22:5 leave 36:10 37:21 leaving 16:13 led 16:18 left 12:9 16:7 19:8,10 28:20 33:1,15 39:20 legal 6:13 less 15:8 24:1 40:10 let 9:13 11:21 36:17 42:3 45:23 47:1 50:21 60:23 let's 26:6 42:15 44:11 44:15 52:22 55:16 Lewis 2:4,4 3:2 5:4,11 11:12,14 28:9,17 60:23 61:5 62:4 lieutenant 6:1,8 light 19:23 20:4,9,19 20:21 21:1 22:14,15 24:15 25:8 26:20 57:3 lighter 20:2 like 11:5 15:3,3 21:14 21:21 24:6,14,22 25:20,21 26:14,20,21 31:13 32:9 33:23 34:18 39:9,15 49:12 likely 17:2 limit 20:17 48:15 Lincoln 13:4,9,12,13 13:17 21:10 39:23 liquor 33:23 list 53:9,11 listen 27:4 lists 53:5 little 9:13 14:22 15:9 23:17,17 25:10 26:6 48:2,6 lives 19:3 living 15:6 loaded 33:22 located 59:22	location 12:20 long 5:16 11:9 38:18 39:14 longer 11:16 look 21:14 49:8 52:13 looked 33:16 57:11 looking 10:8 16:22 22:17 24:22 25:7 26:18,19 40:5 47:17 lookout 17:4 looks 24:6 44:8 loose 33:21 lot 24:22 Lowndes 5:15,17,19 6:2 7:10,21,23 8:3,5 9:1 37:2 50:14 56:11 59:15 61:21  M made 4:2 6:21 17:12 31:15 52:4 Magnum 33:18 mailing 9:15 maintain 55:3 major 10:13 make 7:15 8:17 14:7 25:5 41:21 58:21 59:6 makes 51:11 making 24:7 52:4 53:5 maneuver 29:7 45:19 48:13 manner 4:11 34:23 64:1 manual 8:7 many 6:2 marijuana 14:14 Marilyn 54:12 mark 42:3 marked 34:23 35:1 36:18,21,23 37:3 39:23 42:5,7 45:21 45:23 46:22 47:1 50:19,21 51:17 55:13 marker 58:2 Marshall 1:6 12:1,18 13:22 14:2 15:13,17 15:20 16:22 17:1,9 19:9,20 20:5,18 21:3 21:16 22:9 30:22 31:1 32:11 37:10,12 37:22 38:13 39:8,16 39:19 40:1 45:11 48:3,12 51:12 52:5,9 52:20 58:19,20 59:1 63:5 Marshall's 14:17,21 16:14 18:17 19:7,15 28:13 29:13 32:5
H Halcyon 1:19 2:10 hand 22:15 handcuffed 33:16 handcuffs 33:11,11,13 handed 52:14 happened 19:14 23:15 32:8,10,23 38:1 55:22 56:4 Harding 37:7,8 39:23 harm 25:12 harness 46:18 harnesses 46:9,12 having 5:7 Hayneville 7:11 19:6 23:23 headed 30:10 Heading 23:13 headlights 21:7 hear 27:20 32:3 height 54:7 held 38:18 help 6:11 her 54:14,16,18 hereto 4:12,15 Herzing 10:1,3,3,4,11 10:19 hey 24:13 HIGGINS 2:12 high 9:21 10:15 48:21 48:23 highly 50:3,5 highway 14:22 23:2,6,8 23:10,13,16,18,19 29:1 48:3 hill 15:4 him 12:19,21 14:19 15:18,18 21:19 22:23 23:3 24:12,23 25:5 26:1,8,18 27:10 31:13,18,19 32:15,20 33:3,3,4,4,5,6,6,12 33:14,15,16 34:3,4,6 34:6,9,12,13,16,17	I idea 46:8 identification 42:6 45:22 46:23 50:20 51:18 55:14 illegal 14:3 important 56:20 incident 12:1 53:7 56:4 incident/offense 3:9 51:22 53:1 include 8:19 including 7:3 independent 57:18 INDEX 3:1 indicate 14:12 18:10 43:7,8 58:5 indicated 30:19 indicates 56:4 individual 1:9,10 8:11 63:8,10 individuals 50:13 informant 18:2 information 9:13 14:1 14:5,8,12,15,19 15:19,22,23 16:8,17 17:9,16,18 18:11	J jail 6:5 35:20,22 36:11 40:14 54:5 January 1:20 63:16 Jay 2:4,4 28:7 job 6:7 10:21 judge 18:12 judgment 48:11 Judicial 6:16 jumped 30:19,20 June 11:21 55:21 60:12 60:12 jurisdiction 36:23 just 11:3,6 12:20 14:18 14:22 17:7,12 18:2,3 19:3 21:16 22:22 24:6,14,15 25:9 26:3 26:3,6,20,23 27:4 30:16 32:1 33:8,9 34:16 36:3 37:15 39:9 41:12,15 43:5 43:19 48:19 49:2 52:14 53:5 55:16 61:5,14 justice 6:22 8:10 10:23	K keep 21:17 keeps 22:20 kept 20:7 21:3 kin 63:23 kind 15:4,8 16:11 17:1 21:12 24:6 25:9 knew 18:2 49:15 knocked 16:4 knock-and-talk 14:18 18:1,5 know 15:1,10,13 17:1 17:14 18:19,23 22:18 22:19,20,21 24:5,13 24:15,16,18,21 25:1 25:4,6,10 32:9 33:5 33:22 38:8,11 46:13	L L 2:9 labeled 41:6 language 31:5 Large 1:18 3:22 62:22 64:8 Lashun 1:10 2:17 63:9 last 38:7 44:11 45:6 51:19 55:19 latent 43:3 45:9 later 38:14 40:19 law 1:19 2:4,5,10,13 6:4 7:2 11:18 15:16 lead 49:10 leak 40:9 leather 22:5 leave 36:10 37:21 leaving 16:13 led 16:18 left 12:9 16:7 19:8,10 28:20 33:1,15 39:20 legal 6:13 less 15:8 24:1 40:10 let 9:13 11:21 36:17 42:3 45:23 47:1 50:21 60:23 let's 26:6 42:15 44:11 44:15 52:22 55:16 Lewis 2:4,4 3:2 5:4,11 11:12,14 28:9,17 60:23 61:5 62:4 lieutenant 6:1,8 light 19:23 20:4,9,19 20:21 21:1 22:14,15 24:15 25:8 26:20 57:3 lighter 20:2 like 11:5 15:3,3 21:14 21:21 24:6,14,22 25:20,21 26:14,20,21 31:13 32:9 33:23 34:18 39:9,15 49:12 likely 17:2 limit 20:17 48:15 Lincoln 13:4,9,12,13 13:17 21:10 39:23 liquor 33:23 list 53:9,11 listen 27:4 lists 53:5 little 9:13 14:22 15:9 23:17,17 25:10 26:6 48:2,6 lives 19:3 living 15:6 loaded 33:22 located 59:22

Deposition of Christopher West

Marshall vs. West; Hutson

January 21, 2008

Page 4

<p>39:21 40:2 45:17 56:12 Masters 2:9 5:3 6:17 27:2,17 28:2,6,14 36:3 46:15 49:6,17 60:5 61:2 matter 63:4 may 3:20 4:3,4,10 12:16,17,19 14:9 28:7,14 35:12,14 40:4 46:11 maybe 15:7 18:1 24:1 26:14 40:10,20 McDonough 2:5 Mealing 54:12 mean 6:4 18:6 19:3 22:7,17 23:10 25:7 26:15 27:11 31:10 43:21 49:7 50:10 52:6 meant 49:5 59:14 meet 8:15 23:3 members 8:17 mental 24:8 mentioned 55:8 57:7 met 15:18 19:15 56:12 middle 1:3 33:18 60:12 63:13 might 12:21 33:20 mile 40:10,11 58:2 miles 20:12 58:19 minutes 39:15 61:1 mirror 25:7 mistaken 28:8,14 mobile 15:5 model 13:5 money 35:13,15,16,22 Montgomery 1:20 2:6 2:11,14 62:18 more 15:2,3,9 17:15 32:16 50:11 61:6 morning 12:5,18 Most 7:8 move 58:21 59:6 movement 24:23 moving 24:20 31:13 much 9:11 21:14 29:22 35:3 44:8 myself 53:5</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p>nail 40:8 name 5:12 14:23 15:11 38:7 54:7 narrative 53:16 narrow 15:9 nature 22:19 29:21 31:7 need 4:2 8:16 61:3</p>	<p>neither 56:18 63:22 Never 15:18,18 25:12 59:8,11 new 8:15 next 26:7 27:12 28:12 28:19 29:17,18 32:8 38:13 42:21 43:18 NIX 2:12 nobody 37:18 normal 36:6 55:6 normally 36:9 55:3 Norman 9:17,18 north 56:11 NORTHERN 1:4 63:14 nose 25:19 note 17:12 31:15 notes 14:7,10 24:8 nothing 5:8 26:17 31:23 34:16 58:4 63:3 Nova 17:5 40:3,14 56:12 Number 42:4,8 46:1 47:2 50:22 51:20 52:23 55:11 63:15 numerous 11:6</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p>Object 6:17 27:2,17 46:15 49:6,17 60:5 objections 4:1,1 observed 19:21 56:18 obtain 18:6 obtained 17:22 obviously 50:5 occasion 17:15 29:23 occurred 12:2 occurrence 53:7 54:9 off 14:22 19:4 21:1 22:21 24:7,19 30:2 30:16 31:16 34:9 41:8 offender 47:21 49:23 50:2 53:15 offered 4:4 office 6:3 7:3,10,12,21 7:23 8:4 9:1 12:4,10 12:17 13:19 59:15 61:22 officer 7:6 53:18 54:10 Offices 1:19 2:4 Oh 43:17,23 okay 7:15 8:19 9:18 11:7 12:6,9,12 18:9 18:22 19:19 27:6 28:23 30:18 31:4 35:21 36:1,5 39:6 42:15 43:17,23 44:1</p>	<p>44:7,11 45:11 46:11 47:17 48:23 49:14 50:12,21 51:3,19,23 52:13,15 54:20 55:16 55:18 58:11 59:3,8 59:21 60:3,18 older 17:5,5,5 21:22 Once 41:9 one 16:5 17:15 21:8 22:13,15 44:4 56:5 59:23 60:3 61:11,12 61:23 only 39:4 onto 23:2,19 48:3 49:23 open 32:12 opened 25:22 operate 60:21 operates 60:18 operations 8:20 opposed 6:5 opposite 28:7,16 30:13 50:1 order 42:18 ordinary 20:14,16 original 43:19 other 4:1,5,11 10:18 11:15 22:16 34:20 35:22 43:15 49:10 52:11 out 9:5 12:4 14:17 18:4 24:2,9 26:2 30:19,20 30:22 31:9,11,12 32:11,20 33:11,13 35:1 38:3 40:6 47:15 47:23 49:18,21 52:3 53:6,20 55:9 57:11 58:1 61:7 63:20 over 22:9,16,20 24:13 24:15,18 25:5 28:18 34:21 40:7,8,15 57:13 own 6:14,15 9:2 o'clock 56:5</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p>pack 34:1,2 page 42:13,15,21 43:1 43:4,9,10,12,19,21 44:4,11,16 45:6 47:17 51:5,7,14,15 52:13 53:14 54:1,3 59:1,21 pages 53:21 63:17 paper 41:4 52:1 paperwork 39:1 52:3,8 52:19 part 7:14 16:12 partial 34:2</p>	<p>participate 7:8 participating 7:13 particular 5:22 6:7,8 parties 3:17 4:8,15 63:20,23 party 4:5,11 passenger 31:19,21 32:3 33:13 38:1 50:12 56:19 passenger's 27:12 28:3 28:12 passing 28:21 past 15:7 pat 34:4 path 49:11 patrol 37:19,21 39:17 patted 35:8,8 people 6:2,4 per 20:12 perform 8:20 45:1 performed 29:12 period 61:21 periodically 8:15 permit 45:15 47:13 personal 9:13 personnel 6:14 perspective 46:19 Phil 37:7,8 39:23 40:6 40:11 phone 17:14 photos 35:2 Physical 9:15,16 pick 36:11 picked 12:19,21 pieces 51:23 pistol 45:15,17 47:13 PIT 29:3,5,6 45:19 48:13 place 7:6 16:9 44:5 53:7 54:9 placed 20:2 33:13 57:3 plain 60:21 Plaintiff 1:7 2:3 63:6 Plaintiff's 3:4 42:4,5,8 45:21 46:1,22 47:2 50:19,22 51:17,20 52:22 55:10,13 plastic 24:4,5 please 5:12 42:11 46:2 51:1,21 plug 20:1 pockets 35:8,10 36:10 point 12:12,15 21:8 22:13 23:1 32:22 49:19 Pointe 1:19 2:10 pointed 33:2,3 police 7:11 21:14 policies 6:15 8:6,9 9:8</p>	<p>policy 59:16,18 position 5:19 6:9 10:21 20:18 25:17,18,20 positive 23:14 56:9 possession 45:12,18 47:12 possibly 35:22 Post-it 17:13 power 20:1 powered 19:23 practices 6:14 precision 29:8,9 presence 44:22 present 2:16 17:17 preserve 42:18 preserved 14:10 pretty 9:11 22:3,3 29:22 35:3 44:8 60:12 previous 27:3,18 43:10 43:12 prints 43:3 45:9 prior 15:13,17,19,20 19:9 45:18 private 10:7 15:12 Probable 47:9 56:22 probably 22:7 60:13,17 procedure 3:19 29:16 36:7 procedures 8:7,9 proceeding 13:17 projects 12:6 promulgated 8:10 property 36:8 prosecutor 32:9 provided 4:6,12 public 10:14 pull 22:9,16,21,22 24:12,13,15 25:5 28:18 29:17 57:12 pulled 21:8,19,21,23 26:7 27:10 28:20,21 40:7,8,15 57:5 pulling 22:19 24:17 purpose 4:5 53:4 pursuant 1:16 3:18 Pursued 58:19 pushed 25:10 34:17 put 33:6,11 37:10 56:20 puts 9:5 P.C 2:9 p.m 56:1</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p>question 4:2 27:3,7,19 27:21 36:4 57:14 questions 4:1 27:4,5 61:6</p>
---	--	---	--	--



quote 41:2	reprimanded 61:17,20	34:22 44:2	40:3,14	speak 5:8 15:10 63:2
<b>R</b>	request 43:13	says 22:9,18 24:20 25:1	Shun's 27:23	specific 31:5
rank 5:22	reserved 4:3	39:11 47:18,21 49:18	side 24:7 25:12 27:12	sped 48:6
rate 20:12,13,14,14,16	residence 14:3,4,17,21	51:8 57:6,11,16,23	27:13,21,23 28:1,3,4	speed 20:13,14,15,17
read 39:5	16:7,14 17:23 18:18	59:21	28:12,13 30:13 40:15	48:15,21,23
reading 63:20	19:7 23:22 49:15	scene 23:1 30:18 37:9	50:1	speeds 23:17
real 34:7	residue 40:22 41:13,17	school 9:21 10:6,7,15	signature 4:16 47:19	sprung 40:9
really 12:16 15:1 31:23	41:18 44:21 58:9,12	sciences 42:17,23	47:20 51:3,9 53:17	standing 32:12,13
48:8 56:23	resistant 33:7	screamed 57:12	53:23 54:16,18	34:14
rear 29:18	resisting 34:23	search 17:22 18:8,10	signatures 39:5 43:18	state 1:18 3:22 57:10
reason 39:4	responding 58:20	35:5,6	signed 38:21 60:1	62:17,21 64:7
recall 12:22 13:1 14:23	response 20:5 23:14	seat 24:21,23 33:17,21	signing 63:20	statement 3:10 39:11
17:8 20:10 36:13	56:9	34:1,12,18 37:11	simply 45:3 49:5,14	39:12 52:10 55:9,12
37:3,20 38:6,18,23	responsibility 6:9	56:19	50:23 51:11	56:2 57:16 60:7
50:7,16 60:14	rest 25:14,15 30:2,6	seatbelt 19:20,22 46:5	simultaneously 29:19	61:13,14,16
receipt 42:16	50:2	46:7,17 50:3	since 10:17 48:18	STATES 1:2 63:12
received 14:1,20 15:19	result 44:19	second 11:11 47:17	sir 6:10 7:17,19 8:8,23	Statute 4:6,12
15:22 17:8,14,16	results 41:15 64:1	51:7,14 54:1 55:17	9:10,12 10:5,10,22	Stewart 5:13
41:9,23 43:15 44:3	retain 54:20	59:21	11:1,8,17,20 12:11	still 25:5 33:2 37:14,15
receives 8:1	retrieve 40:16,21	security 10:14	12:14 13:2,8,15,18	39:22 58:10,20 61:11
recess 11:13 61:4	retrieved 40:19	see 26:15 31:13 32:23	13:21 14:11 15:15,21	stipulated 3:16 4:7,14
recognize 42:9 46:2	returned 43:16,16	34:3 35:8 41:17 46:1	16:23 17:3,11 19:11	stipulation 1:16
47:3	reveal 44:22	46:19 47:2 54:6 59:4	20:22 21:18 27:9,14	stipulations 3:15 5:2
recollection 31:4 57:18	RICHARD 1:6 63:5	seeking 41:5	29:2,4,11,14 30:1,4,8	stop 49:5 56:22
58:3	Rick 2:12	seem 18:10 43:8	30:14 31:17,20 32:2	stopped 27:16 40:4
recover 41:8	right 15:5,5,13 18:15	seems 43:13,19	32:4 35:18,23 36:15	store 40:11,12
recovered 53:10,12	19:5,13,16 21:3,5,17	seen 15:18 24:4 45:17	36:20,22 37:5,13,15	Street 2:5
59:22	23:12 24:14 26:11	54:18 61:15	37:17,20,23 38:5,10	strobe 26:23
red 26:4	28:5,19,23 33:17	sees 25:6,8,8 26:19	38:12,17,22 41:19	strobes 20:23
reference 15:23	34:4 38:8 44:4,6,15	selling 14:2,3,13 17:10	42:2,10,20 45:2,20	stuff 11:5 34:3 36:11
referred 16:10 18:4	51:13 52:11,17,22	seminars 11:4	46:10,21 47:4,14	submission 42:12,14,16
29:6	53:2 55:8 56:7	sense 17:17 39:14	48:5,7,10,22 49:13	43:2,20
regard 20:12 46:7	road 2:14 14:22,23	48:17,20	49:16,22 50:18 51:4	Submission/Analysis
regardless 4:12	15:2 19:2,8,12 23:11	sent 41:1,2,10	51:6,10 52:21 53:22	3:5
regards 10:20	23:18 25:12 26:18	separate 8:6	54:2,15 55:15,23	substance 45:4,5,12
regulations 9:2	30:2,13,16 31:16	service 59:13	56:3,13 58:13,16,18	47:12
relating 47:11	40:5,16 56:11	set 9:2 30:18 63:20	59:12,17 60:2,6,9	substances 44:23
reliable 17:19,21 18:2	roads 49:10	setting 23:1	61:19	sufficient 41:17,20
18:5,6	roadway 49:23 50:1	seven 32:20	sits 34:21	Suite 2:13
remember 12:8,9,16,20	rode 38:2	several 6:21 7:2 32:15	situation 26:5	supposed 14:13
13:7,8,11 14:6 24:8	round 22:4	32:16 51:23	six 11:15 32:20	sure 11:12 16:21 18:19
33:5 35:12 38:8	rounds 33:19,20,21	Shannon 44:2	size 22:4	48:14 59:20 60:3
40:17,19,20 45:15	rules 3:19 8:15 9:2	sheriff 5:21,23 9:6 51:8	slow 20:14 29:19	62:3
48:16,19 49:2 57:21	ruling 4:3	61:13	small 17:13	suspect 53:15
60:11	run 21:23 59:11	sheriff's 5:15,17,20 6:3	some 6:12 7:7 8:11	sweating 26:4
remove 35:11,13	<b>S</b>	7:10,21,23 8:4 9:1,8	12:12 16:8 17:13	Sweet 34:1
removed 22:14 35:15	Sadler 1:17 3:20 62:20	59:15 61:21	23:1 32:19 33:20,21	swerves 25:11
35:16	64:5	shirts 60:15	34:13 35:2 60:19	Swisher 34:1
report 3:9 41:23 45:6	safety 10:14	shocked 32:22	someone 17:11	sworn 5:7 63:2
51:22 52:12,16,17	SAITH 62:12	shorts 34:7,8	something 22:18 24:2	
53:1,6 54:4,21 55:1	salary 7:20	short-sleeve 60:15	25:2 26:14 29:21	<b>T</b>
61:7	same 4:13 15:23 16:12	shoulder 46:9,11,18	34:2 39:15 52:2	tactical 8:20
reported 62:22	43:5 47:22 49:4	show 42:3 43:13 45:23	sometime 56:5	take 11:11 19:7 35:2
Reporter 1:17 3:21 5:1	61:16 63:21	47:1 50:21 55:10	sorry 27:6	61:2
62:21 64:7	sat 26:3 32:1	57:9,14	sort 10:6,23 14:12	taken 1:15 3:18,20
REPORTER'S 62:15	save 34:13	showed 57:5,6,8	18:11	11:13 18:12 19:10
represent 11:22	saw 31:10,12 38:13	showing 42:7 57:19	sound 32:9	39:19 61:4
representing 3:17 4:8	saying 22:16 31:2	shows 43:15	source 17:20,21	talk 56:23
		Shun 24:19 25:1 26:16	south 2:5 23:6	talked 39:9



Deposition of Christopher West

Marshall vs. West; Hutson

January 21, 2008

Page 6

<p>talking 39:10</p> <p>task 6:10,11,16,20,20 7:7,13,16 8:2,6,11,14 9:9 60:18</p> <p>technique 29:9,10</p> <p>tell 5:12 6:15 11:2 21:19 24:19 25:1 31:10 32:14 39:7 41:2 44:20 50:23 51:20 52:2 53:3 54:3</p> <p>Ten 11:10</p> <p>testified 5:9</p> <p>tests 58:11,15</p> <p>Thank 62:5</p> <p>their 50:16</p> <p>thereof 64:1</p> <p>thing 10:23 32:8 51:19 55:20</p> <p>things 31:7</p> <p>think 5:18 6:6 16:9,9 18:20 22:2 25:13 28:6 30:18 33:12 34:1,5,20 39:3,3,21 40:4,6,7,18 45:16 48:23 50:10 51:19 55:19 61:16</p> <p>thinking 25:4</p> <p>third 44:15,16 52:13 54:3</p> <p>though 21:14</p> <p>thought 28:15 58:8</p> <p>three 7:15 43:18 57:20</p> <p>three-county 7:4</p> <p>threw 31:8 49:21 57:23</p> <p>through 6:22 7:1 49:11 51:23 55:16</p> <p>throwing 47:22 49:18</p> <p>thrown 40:6</p> <p>throws 24:2</p> <p>time 4:3,3 15:6,14,17 15:20 17:21 18:7,12 18:14 19:12 20:8,21 31:2 37:12 38:13,15 39:16 40:18 45:18 47:22 48:12 49:4 53:8 56:1,1 58:8 59:23 60:3,16 61:3 61:10,23</p> <p>times 25:4 32:15,16</p> <p>tire 40:8,10,13</p> <p>today 12:2 17:8 48:18 48:20 55:20</p> <p>together 12:17 39:20</p> <p>told 39:12 50:5,15</p> <p>top 47:18 54:7</p> <p>torn 59:23</p> <p>toward 19:6 23:3,8,13 23:22,23 30:9,16 48:3 49:14 58:21</p>	<p>59:6</p> <p>Town 13:6,9 21:10</p> <p>Tracye 1:16 3:20 62:20 64:5</p> <p>traffic 34:18</p> <p>trail 15:9</p> <p>training 10:17 11:15</p> <p>trans 36:16</p> <p>transcript 63:18</p> <p>transportation 50:17</p> <p>transported 39:17 50:14</p> <p>transports 35:2</p> <p>traveling 56:10</p> <p>trial 4:10</p> <p>trouble 38:3</p> <p>true 49:4 54:23 63:18</p> <p>truth 5:8,8,9 63:2,3,3</p> <p>try 24:8</p> <p>trying 34:5,11,13 48:19</p> <p>turn 8:1 23:5,19,21 29:19,20 35:16 49:10</p> <p>turned 15:9 19:17 23:2 35:19,21 48:3 49:14 56:14</p> <p>two 53:20 57:20</p> <p>two-day 11:4</p> <p>two-lane 28:23</p> <p>two-page 50:23</p> <p>type 17:6 21:12</p> <p><b>U</b></p> <p>Uh-huh 23:14 56:9</p> <p>undercover 60:19</p> <p>underneath 53:11</p> <p>understand 6:11 27:1</p> <p>understood 39:13</p> <p>underwear 34:11</p> <p>uniform 3:9 52:23 54:4 54:21</p> <p>unit 35:1,1 36:19,21 37:1,4 40:1</p> <p>UNITED 1:2 63:12</p> <p>use 50:11,11 59:15,18 61:7</p> <p>used 4:5,11 47:7</p> <p>using 31:5</p> <p>Usual 5:1</p> <p><b>V</b></p> <p>value 45:9</p> <p>vehicle 13:13 16:7 17:6 19:15,16,18 20:3,4 21:9,21 22:1,22 25:3 25:11,15,15,18,19,20 26:2 33:17 35:6 37:11 50:2,13 53:13 56:15,17 57:5,13 59:2,10</p>	<p>vehicles 16:6</p> <p>very 22:10,11 33:7,9 48:9 50:4</p> <p>violation 46:7</p> <p>violent 58:21 59:6</p> <p>violently 58:20</p> <p>vs 1:8 63:7</p> <p><b>W</b></p> <p>waived 4:10,17 63:21</p> <p>waiving 4:13</p> <p>wallet 35:11</p> <p>want 11:4 39:11</p> <p>wanted 56:23</p> <p>wanting 33:9</p> <p>warning 3:6 19:23 46:3</p> <p>warrant 3:8 17:22 18:8 18:10 38:21 47:10 51:2,15</p> <p>wasn't 15:1 20:16 57:12</p> <p>way 8:20 18:15 31:10 44:8,10 61:17</p> <p>weapon 32:19 33:2,3 59:13 61:9</p> <p>weapons 25:23 30:21 35:9 36:2,9 59:7</p> <p>wearing 50:3 56:19 60:14,15</p> <p>Webb 1:19 2:9</p> <p>weeks 11:10,16</p> <p>weight 54:8</p> <p>well 19:16 20:11 28:9 36:6 46:11 57:9,15</p> <p>went 12:5 15:4,7 18:4 38:14 40:13,18</p> <p>were 12:6 13:1,3,9,11 13:22 16:13,14,22 17:4 19:1,2,12 20:8 20:23 21:11 26:4,8,8 35:5 40:10 41:5,15 45:1,9 46:9,12 48:17 48:20 50:13 56:10,19 60:10,13,13 61:17 62:2</p> <p>weren't 41:7,11 48:15</p> <p>West 1:9,15 3:11,18 5:6,13,14 63:1,8</p> <p>West's 28:11</p> <p>we'll 28:9</p> <p>we're 6:21 12:2 17:23 22:7 43:9 55:20 59:10</p> <p>we've 19:22 22:14 30:18 42:7 51:23 61:14</p> <p>whatsoever 49:20</p> <p>When's 38:13</p> <p>while 40:13 46:19</p>	<p>whole 5:8 63:3</p> <p>wider 23:18</p> <p>Wilcox 23:23 24:12 30:9,10 48:4</p> <p>window 24:2,10 32:5 47:23 49:19 57:11 58:1</p> <p>windows 22:1</p> <p>windshield 24:3</p> <p>witness 4:15,16 5:7 27:6,23 28:5 36:5 63:19</p> <p>witnesses 53:16</p> <p>woods 49:11</p> <p>words 43:15 50:11</p> <p>work 6:5 12:5</p> <p>working 12:6 20:21</p> <p>wrist 25:18</p> <p>wrong 29:16</p> <p>wrote 55:9 56:2 60:7</p> <p><b>Y</b></p> <p>yards 15:8 24:1</p> <p>yeah 11:6 23:7 26:10 28:21 44:16,18 50:9 50:10 52:7,7</p> <p>year 7:5 10:11,12 13:7</p> <p>years 5:18 24:5 57:20 57:20</p> <p>yelled 30:21</p> <p>yelling 22:10 24:16 25:6 32:14</p> <p>y'all 22:18 31:6,6</p> <p><b>1</b></p> <p>1 3:5 42:4,5,8,13 10 6:6 10:35 62:8 102 58:2 11 5:18 12 5:18 6:6 12-volt 20:1 1971 46:8,13 1986 10:18</p> <p><b>2</b></p> <p>2 3:6 42:15 45:21 46:1 2nd 6:16 2.4 58:19 2:06-cv-701-ID.CSC 1:8 63:15 20 39:15 2005 11:22 55:21 2008 1:20 63:16 64:2 21 1:20 14:22 19:3,4 23:8,13,16,19 48:3 63:16 214 9:17,18 235 9:17</p>	<p>28th 11:21 55:21 294 64:6</p> <p><b>3</b></p> <p>3 3:7 46:22 47:2 30 39:15 300 2:13 357 33:18,19 36106 2:14 36117 2:11</p> <p><b>4</b></p> <p>4 3:8 50:19,22 4001 2:14 42 3:5 46 3:6 47 3:7</p> <p><b>5</b></p> <p>5 3:2,9 51:17,20 52:23 50 24:1 51 3:8 52 3:9 55 3:10</p> <p><b>6</b></p> <p>6 3:10 55:11,13 6th 64:2 6-28-05 3:10 62 63:17</p> <p><b>7</b></p> <p>7 19:2,8,12 23:2,6,10 23:11 56:11 7:32 56:1 7475 1:19 2:10 75 24:1</p> <p><b>8</b></p> <p>847 2:5 86 10:16</p> <p><b>9</b></p> <p>9-30-2008 64:6 9:10 1:21</p>
---	--	--	---	--

**DEPOSITION OF G. LASHUN HUTSON**

**January 21, 2008**

**Pages 1 through 38**

**PREPARED BY:**

**Haislip, Ragan, Green, Starkie & Watson, P.C.  
566 South Perry Street  
Post Office Box 62  
Montgomery, AL 36104  
Phone: (334) 263-4455  
Fax: (334) 263-9167  
E-mail: haislipragan@charter.net**

**EXHIBIT**

**3**

tabbles



Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RICHARD MARSHALL,  
Plaintiff,

vs. CIVIL ACTION NO.  
2:06-cv-701-ID.CSC

CHRIS WEST, in his individual  
capacity, LASHUN HUTSON, in his  
individual capacity,

Defendants.

\*\*\*\*\*

DEPOSITION OF G. LASHUN HUTSON, taken  
pursuant to stipulation and agreement before Tracie  
Sadler Blackwell, Certified Court Reporter and  
Commissioner for the State of Alabama at Large, in  
the Law Offices of Webb & Eley, 7475 Halcyon Pointe  
Drive, Montgomery, Alabama, on January 21, 2008,  
commencing at approximately 10:40 a.m.

\*\*\*\*\*

Page 2

APPEARANCES

ON BEHALF OF THE PLAINTIFF:

Mr. Jay Lewis  
Law Offices of Jay Lewis  
Attorney at Law  
847 South McDonough Street  
Montgomery, Alabama

ON BEHALF OF THE DEFENDANTS:

Mr. Daryl L. Masters  
WEBB & ELEY, P.C.  
Attorneys at Law  
7475 Halcyon Pointe Drive  
Montgomery, AL 36117  
Mr. Rick A. Howard  
NIX, HOLTSFORD, GILLILAND, HIGGINS & HITSON  
Attorneys at Law  
Suite 300  
4001 Carmichael Road  
Montgomery, AL 36106

ALSO PRESENT:

Mr. Christopher West

\*\*\*\*\*

Page 3

EXAMINATION INDEX

BY MR. LEWIS ..... 5

PLAINTIFF'S EXHIBIT

7 6-28-05 Statement Form of Lashun Hutson 34

\*\*\*\*\*

STIPULATIONS

It is hereby stipulated and agreed by and  
between counsel representing the parties that the  
deposition of G. LASHUN HUTSON is taken pursuant to  
the Federal Rules of Civil Procedure and that said  
deposition may be taken before Tracie Sadler  
Blackwell, Certified Court Reporter and  
Commissioner for the State of Alabama at Large,  
without the formality of a commission, that  
objections to questions other than objections as to  
the form of the question need not be made at this

Page 4

as the said deposition may be offered in evidence  
or used for any other purpose by either party  
provided for by the Statute.

It is further stipulated and agreed by and  
between counsel representing the parties in this  
case that the filing of said deposition is hereby  
waived and may be introduced at the trial of this  
case or used in any other manner by either party  
hereto provided for by the Statute regardless of  
the waiving of the filing of the same.

It is further stipulated and agreed by and  
between the parties hereto and the witness that the  
signature of the witness to this deposition is  
hereby waived.

\*\*\*\*\*

THE COURT REPORTER: Usual  
stipulations?  
MR. HOWARD: Sure.  
MR. MASTERS: Sure.



Page 5	Page 7
<p>1 G. LASHUN HUTSON</p> <p>2 The witness, after having first been duly sworn</p> <p>3 to speak the truth, the whole truth, and nothing</p> <p>4 but the truth, testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MR. LEWIS:</p> <p>7 Q. Tell us your name, please.</p> <p>8 A. G. Lashun Hutson.</p> <p>9 Q. Mr. Hutson, how are you employed?</p> <p>10 A. Lowndes County Sheriff's Department.</p> <p>11 Q. And what's your position there?</p> <p>12 A. Sheriff's deputy.</p> <p>13 Q. Do you have any particular rank?</p> <p>14 A. No.</p> <p>15 Q. On June 28th, 2005, where were you</p> <p>16 employed?</p> <p>17 A. 2nd Judicial Drug Task Force.</p> <p>18 Q. Were you employed with any city police</p> <p>19 agency?</p> <p>20 A. Hayneville Police, yes, sir.</p> <p>21 Q. But now you're with the Lowndes County</p> <p>22 Sheriff's Office?</p> <p>23 A. Uh-huh (positive response).</p>	<p>1 enforcement?</p> <p>2 A. Not over six weeks. Some two-week</p> <p>3 courses. No six-week courses.</p> <p>4 Q. Do you have any particular certifications</p> <p>5 in any special branch of law enforcement?</p> <p>6 A. Drug enforcement.</p> <p>7 Q. How did you get your training for drug</p> <p>8 enforcement?</p> <p>9 A. The academy in Mississippi.</p> <p>10 Q. How long a course was that?</p> <p>11 A. I think that course is three weeks, two</p> <p>12 weeks.</p> <p>13 Q. When did you go to that?</p> <p>14 A. About three and a half years ago.</p> <p>15 Q. Okay. And what's your address?</p> <p>16 A. My work address or --</p> <p>17 Q. Physical, home address.</p> <p>18 A. It's going to be 3716 Fieldcrest Drive.</p> <p>19 Q. 3716 --</p> <p>20 A. 16.</p> <p>21 Q. -- Fieldcrest?</p> <p>22 A. Uh-huh (positive response).</p> <p>23 Q. And what city is that?</p>
Page 6	Page 8
<p>1 Q. You're going to have to say yes or no.</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Tell me about your educational</p> <p>4 background.</p> <p>5 A. My educational background?</p> <p>6 Q. Yeah.</p> <p>7 A. High school graduate. I've got some</p> <p>8 college. Marine Corps. I've got a lot of</p> <p>9 training from there.</p> <p>10 Q. How much college?</p> <p>11 A. Couple of semesters.</p> <p>12 Q. When did you graduate from high school?</p> <p>13 A. '77.</p> <p>14 Q. All right. Have you been to any advanced</p> <p>15 law enforcement training?</p> <p>16 A. I've been to a few.</p> <p>17 Q. All right. Have you been to the FBI</p> <p>18 Academy at Quantico?</p> <p>19 A. No.</p> <p>20 Q. Any law enforcement experience outside of</p> <p>21 the academy that's required for POST</p> <p>22 certification, any long-term -- by that I</p> <p>23 mean over six weeks -- courses in law</p>	<p>1 A. Montgomery.</p> <p>2 Q. Is that in the Fieldcrest Apartments?</p> <p>3 A. No. Those are houses.</p> <p>4 Q. Houses. Okay. What's your date of birth?</p> <p>5 A. 9-21-58.</p> <p>6 Q. And did you tell me when you graduated from</p> <p>7 high school?</p> <p>8 A. 1977.</p> <p>9 Q. And what college have you attended?</p> <p>10 A. Albany State.</p> <p>11 Q. Where?</p> <p>12 A. Albany State in Georgia.</p> <p>13 Q. Albany State. Okay. And when did you join</p> <p>14 the -- well, tell me about your law</p> <p>15 enforcement employment experience. When</p> <p>16 did you first get into law enforcement?</p> <p>17 A. First got into law enforcement in 1995</p> <p>18 after I got out of the Marine Corps with</p> <p>19 the Dougherty County Sheriff's Department.</p> <p>20 I worked corrections with them from '95</p> <p>21 until '98 when I came to Lowndes County.</p> <p>22 Q. And in 1998 what agency did you work for?</p> <p>23 A. Sheriff's department. Lowndes County</p>

Page 9

1 Sheriff's Department.  
 2 Q. How long did you stay with Lowndes County  
 3 Sheriff's Office?  
 4 A. About two years, three years. I can't  
 5 remember.  
 6 Q. Where did you go from there?  
 7 A. Hayneville Police Department.  
 8 Q. And did you remain at the Hayneville Police  
 9 Department from the time you left the  
 10 sheriff's office until the time you  
 11 returned to the sheriff's office?  
 12 A. Right.  
 13 Q. So that would have -- when did you return  
 14 to the sheriff's office?  
 15 A. I can't give you the -- I don't -- I don't  
 16 know.  
 17 Q. But during 2005 you were still with  
 18 Hayneville Police Department?  
 19 A. Right.  
 20 Q. All right. Are you familiar with the use  
 21 of force policy of the Lowndes County  
 22 Sheriff's Office?  
 23 A. I'm not familiar with it, but I think they

Page 11

1 Q. In Hayneville?  
 2 A. In Hayneville.  
 3 Q. Do you recall who else was on duty that day  
 4 with the DTF?  
 5 By DTF, I mean drug task force.  
 6 A. I can't tell you exactly who was on and who  
 7 was off. That would be up to Lieutenant  
 8 West. But I was on and Lieutenant West was  
 9 on.  
 10 Q. Do you recall why you left the DTF office?  
 11 A. I probably left more than one time. But  
 12 the last time I left it was with Lieutenant  
 13 West.  
 14 Q. All right. What did you leave in?  
 15 A. We left in a blue Lincoln.  
 16 Q. What was the purpose of leaving with  
 17 Mr. West?  
 18 A. We were going to a gentleman's house by the  
 19 name of -- I know him as "Blood." You guys  
 20 keep calling him Mr. Marshall -- that lives  
 21 up in the -- south of Hayneville.  
 22 Q. Did you know Mr. Marshall?  
 23 A. I had heard his name, "Blood."

Page 10

1 have one.  
 2 Q. All right. Have you ever filled out a use  
 3 of force report?  
 4 A. No.  
 5 Q. Tell me what you were doing on June 28th,  
 6 2005, which we all agree is the date of the  
 7 incident involving Mr. Marshall.  
 8 A. What I was doing at what time?  
 9 Q. Well, starting early in that day what were  
 10 you -- when you got to work, what were you  
 11 doing?  
 12 A. It's hard to say exactly what I was doing.  
 13 Q. At what time did you -- if you did, did you  
 14 leave the sheriff's office?  
 15 A. You mean the DTF office?  
 16 Q. I'm sorry. The DTF office.  
 17 A. It's hard to say exactly what time I left.  
 18 Q. And the DTF office is a separate facility;  
 19 correct?  
 20 A. Correct.  
 21 Q. And where is the DTF office?  
 22 A. It's down the street from the sheriff's  
 23 office.

Page 12

1 Q. Had you met him?  
 2 A. Not yet.  
 3 Q. Okay. So prior to the time that you went  
 4 out with Mr. West you had not had any law  
 5 enforcement contact with Mr. Marshall?  
 6 A. No, I hadn't.  
 7 Q. Do you know why you were going out looking  
 8 for Mr. Marshall?  
 9 A. I was going with Lieutenant West. He  
 10 needed to talk to him.  
 11 Q. You didn't have any independent knowledge  
 12 of why you were out there?  
 13 A. No. I had an inkling why we were out  
 14 there, but as far as specifics, no.  
 15 Q. All right. What was that inkling?  
 16 A. Dope.  
 17 Q. Had you personally received any information  
 18 about Mr. Marshall and any dope?  
 19 A. I had heard his name.  
 20 Q. In connection with what?  
 21 A. In connection with the sale of drugs.  
 22 Q. From whom did you hear his name?  
 23 A. People.

Page 13	Page 15
<p>1 Q. You want to elaborate on that?</p> <p>2 A. No.</p> <p>3 Q. Do you recall what people you heard talking</p> <p>4 about Mr. Marshall with drugs?</p> <p>5 A. People in that line of business.</p> <p>6 Q. And what people are you talking about?</p> <p>7 A. People I may have arrested that wanted to</p> <p>8 help themselves out.</p> <p>9 Q. Do you have any specific names of people?</p> <p>10 A. No.</p> <p>11 Q. All right. So you leave with</p> <p>12 Mr. Marshall. Tell me what happens then.</p> <p>13 A. Lieutenant and I, we go to Mr. Marshall's</p> <p>14 house. He wasn't there. We did knock.</p> <p>15 Nobody came to the door. We left and we</p> <p>16 was having a conversation on the way back</p> <p>17 about a little community I was familiar</p> <p>18 with called Casey.</p> <p>19 Q. Is that C-A-S-E-Y?</p> <p>20 A. Correct.</p> <p>21 Q. And what did you tell Mr. Marshall about --</p> <p>22 I mean, Mr. West about the Casey community?</p> <p>23 A. He asked me -- he said, where is it? I</p>	<p>1 to arrest Mr. Marshall?</p> <p>2 A. No.</p> <p>3 Q. Since this incident have you had occasion</p> <p>4 to know whether Mr. Marshall has been</p> <p>5 arrested by anybody else?</p> <p>6 A. No.</p> <p>7 Q. So you see a blue Chevrolet Nova after</p> <p>8 Mr. West says there's his car or there he</p> <p>9 is?</p> <p>10 A. Uh-huh (positive response).</p> <p>11 Q. Okay. What happens then?</p> <p>12 A. Lieutenant goes down. We pass each other.</p> <p>13 Lieutenant turns around and we come back up</p> <p>14 behind him to make a stop.</p> <p>15 Q. And what was your purpose for making a</p> <p>16 stop?</p> <p>17 A. I -- I don't know. Whatever Lieutenant</p> <p>18 West told you his probable cause was for</p> <p>19 stopping him.</p> <p>20 Q. Did you see any probable cause for making a</p> <p>21 stop?</p> <p>22 A. I wasn't driving.</p> <p>23 Q. No. That wasn't the question. Did you see</p>
Page 14	Page 16
<p>1 said, it's right down on County Road 7. I</p> <p>2 said, he might be down there. And so we</p> <p>3 were going to head down there. I was</p> <p>4 looking for another individual. And as we</p> <p>5 were going down County Road 7, Lieutenant</p> <p>6 perks up and said, there he goes right</p> <p>7 there. And I'm looking and I see the blue</p> <p>8 Nova coming at us.</p> <p>9 Q. Who is driving the car?</p> <p>10 A. Which car?</p> <p>11 Q. Your car.</p> <p>12 A. Lieutenant West.</p> <p>13 Q. All right. What reason did you have to</p> <p>14 believe that Mr. Marshall might be at the</p> <p>15 Casey community?</p> <p>16 A. I've heard his name in the community of the</p> <p>17 drug community that he's a drug dealer and</p> <p>18 he, you know, frequents different</p> <p>19 communities and Casey was one of them.</p> <p>20 Q. Other than this incident on June 28th,</p> <p>21 2005, have you ever arrested Mr. Marshall?</p> <p>22 A. No.</p> <p>23 Q. Since this incident have you had occasion</p>	<p>1 any probable cause for making a stop?</p> <p>2 A. I wasn't driving.</p> <p>3 Q. Let me rephrase the question.</p> <p>4 A. Okay.</p> <p>5 Q. Did you see any probable cause for making a</p> <p>6 stop?</p> <p>7 A. Let me see if I can -- I wasn't driving.</p> <p>8 MR. HOWARD: If you saw it, yes.</p> <p>9 If you didn't see it, no, or</p> <p>10 were you looking? Just answer</p> <p>11 his question.</p> <p>12 A. No. I just looked -- when he said there he</p> <p>13 is, I looked and I identified the subject.</p> <p>14 I wasn't looking for a probable cause.</p> <p>15 Q. So you didn't see any probable cause</p> <p>16 because you weren't looking for any?</p> <p>17 A. Right.</p> <p>18 Q. Okay. So if there was probable cause</p> <p>19 determined, it was Mr. West who determined</p> <p>20 it?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. You said that you looked and you saw</p> <p>23 that it was Mr. Marshall?</p>

Page 17

1 A. I looked and saw an individual driving the  
 2 car. There was two individuals in it, and  
 3 I looked and saw the individual driving the  
 4 car.  
 5 Q. You didn't know him as Mr. Marshall?  
 6 A. No.  
 7 Q. Because you had never met Mr. Marshall?  
 8 A. No.  
 9 Q. All right. So Lieutenant West turns his  
 10 car around and pulls in behind  
 11 Mr. Marshall's car or the car that you've  
 12 identified as being the blue Nova you were  
 13 looking for?  
 14 A. Right.  
 15 Q. How fast was that Nova going?  
 16 A. I would have guessed the speed limit.  
 17 Q. Did he speed up after you pulled in behind  
 18 it?  
 19 A. Once we got on 21 he did.  
 20 Q. But he didn't until you got to 21?  
 21 A. No.  
 22 Q. All right. What happened after you pulled  
 23 in behind him?

Page 18

1 A. I looked -- just looked in the car just to  
 2 see -- nobody was moving and Lieutenant  
 3 said, go ahead and light them up.  
 4 Q. And what did you take that to mean?  
 5 A. Turn the blue light on.  
 6 Q. Did you do that?  
 7 A. Yes.  
 8 Q. That car doesn't have built-in blue lights?  
 9 A. No.  
 10 Q. You had a portable blue light?  
 11 A. Had a portable blue light.  
 12 Q. Like anybody could buy?  
 13 A. Any law enforcement agency could buy.  
 14 Q. All right. And where did you put that blue  
 15 light?  
 16 A. I put it on the dash initially.  
 17 Q. Okay. And what happened then?  
 18 A. Mr. Marshall looked in his rear-view  
 19 mirror, he looked down in his side mirror,  
 20 and he just kept driving.  
 21 Q. At some point did your car pull up next to  
 22 his car while you were still on County  
 23 Road 7?

Page 19

1 A. Yes. We had came out of the curve. When  
 2 we got on the straightaway, Lieutenant got  
 3 to the side of them.  
 4 Q. What, if anything, did you do at that time?  
 5 A. At that time I rolled my window down, I  
 6 pulled my badge, and I said, pull over.  
 7 And he looked, and he said, what y'all  
 8 want, man? And I said, pull over. And he  
 9 kept driving.  
 10 Q. What happened then?  
 11 A. After he got back behind him -- I can't  
 12 remember if it's because of oncoming  
 13 traffic or for whatever reason he got back  
 14 behind him. And the blue light was still  
 15 going. And then we had came to the  
 16 intersection of 21.  
 17 Q. All right. Which way did Mr. Marshall  
 18 turn?  
 19 A. He turned right.  
 20 Q. And that's headed toward Wilcox County?  
 21 A. South on 21, yes.  
 22 Q. So you got onto Highway 21, which is a  
 23 larger highway?

Page 20

1 A. You could say larger.  
 2 Q. Still two-lane?  
 3 A. Correct.  
 4 Q. Okay. What happened then?  
 5 A. We continued behind him. LT found a spot.  
 6 He got beside him again. And I reached up.  
 7 I got the light off of the dash. It's  
 8 still blinking blue. And I got my badge  
 9 and I held it up. I said, pull over. And  
 10 he said, mother fuck y'all, I ain't  
 11 stopping. And about that time LT yells in  
 12 my ear and says, pull over, and he -- he's  
 13 got his badge up. And we're both yelling,  
 14 windows down -- you can imagine how close  
 15 we were -- to pull over, but he still  
 16 refused.  
 17 Q. What were you wearing?  
 18 A. I can't tell you exactly what I was  
 19 wearing.  
 20 Q. Civilian clothes?  
 21 A. Probably.  
 22 Q. Was that just a blue light or was it a  
 23 blue-and-white light?



Page 21	Page 23
<p>1 A. It's a blue light.</p> <p>2 Q. Blue light. All right. So after he did</p> <p>3 not pull over, what did you do then?</p> <p>4 A. I told LT I don't think he's going to</p> <p>5 stop. And I put the light back on the dash</p> <p>6 and I sat back. LT dropped back behind</p> <p>7 him.</p> <p>8 Q. At any point did you display a weapon --</p> <p>9 A. No.</p> <p>10 Q. -- at the time you were driving?</p> <p>11 A. No.</p> <p>12 Q. All right. So Lieutenant West -- and when</p> <p>13 you say LT, you're talking about Lieutenant</p> <p>14 West?</p> <p>15 A. I'm talking about Lieutenant West.</p> <p>16 Q. Okay. Lieutenant West pulls back behind</p> <p>17 him; correct?</p> <p>18 A. Correct.</p> <p>19 Q. What's the next thing that happens?</p> <p>20 A. We come up on a cattle truck. There's a</p> <p>21 cattle truck. It slows us down. And LT</p> <p>22 went to the side, and he "pitted" him.</p> <p>23 Q. Okay. When you say he "pitted" him, you're</p>	<p>1 window and when he tossed something. It</p> <p>2 hit our windshield to be exact.</p> <p>3 Q. And did you identify what it was at that</p> <p>4 time?</p> <p>5 A. Not at that time, no.</p> <p>6 Q. You said you came up behind a cattle truck</p> <p>7 and slowed down. How slow were you going?</p> <p>8 A. We were going less than the speed limit at</p> <p>9 that time.</p> <p>10 Q. Had you been going at any time prior to</p> <p>11 that faster than the speed limit?</p> <p>12 A. Yes.</p> <p>13 Q. How fast would you say is the fastest you</p> <p>14 were going?</p> <p>15 A. If I had to guess -- and it's purely a</p> <p>16 guess -- I would say about 70.</p> <p>17 Q. Okay. And the speed limit on that road</p> <p>18 is --</p> <p>19 A. 55.</p> <p>20 Q. 55. Okay.</p> <p>21 All right. So setting the scene, we've</p> <p>22 now got Mr. Marshall's car on the shoulder</p> <p>23 of the road facing back toward Hayneville,</p>
Page 22	Page 24
<p>1 talking about executing a precision</p> <p>2 intervention technique?</p> <p>3 A. If that's what you're calling it now.</p> <p>4 Q. Well, what do you call it?</p> <p>5 A. I don't call it anything.</p> <p>6 Q. Okay. You just "pitted" him?</p> <p>7 A. Right.</p> <p>8 Q. And basically that's hitting the driver's</p> <p>9 side fender of his car with the front</p> <p>10 passenger's side bumper or fender of your</p> <p>11 car?</p> <p>12 A. You can do it that way or vice versa.</p> <p>13 Q. Well, which way was it done this time?</p> <p>14 A. The way you just stated.</p> <p>15 Q. Okay. And it spun his car out?</p> <p>16 A. Correct.</p> <p>17 Q. He ended up going the opposite direction on</p> <p>18 the other side of the road?</p> <p>19 A. On the shoulder, yes.</p> <p>20 Q. Did you observe anything else while you</p> <p>21 were driving down the road behind</p> <p>22 Mr. Marshall?</p> <p>23 A. I observed his hand when it came out of the</p>	<p>1 and Lieutenant West pulls his car so it's</p> <p>2 angled toward Mr. Marshall's car?</p> <p>3 A. Correct.</p> <p>4 Q. What did you do then?</p> <p>5 A. We both exited the vehicles, but we stayed</p> <p>6 behind the doors for protection.</p> <p>7 Q. What did you say, if anything?</p> <p>8 A. Lieutenant was yelling to the driver. I</p> <p>9 just yelled to the passenger, passenger,</p> <p>10 don't move.</p> <p>11 Q. And did the passenger move?</p> <p>12 A. No. He sat there like a statue.</p> <p>13 Q. And did the driver move?</p> <p>14 A. Yes.</p> <p>15 Q. And what was Mr. West yelling to the</p> <p>16 driver?</p> <p>17 A. He told him to exit the vehicle and get on</p> <p>18 the ground.</p> <p>19 Q. All right. What, if anything, did Mr. West</p> <p>20 do -- or did Mr. Marshall do in response to</p> <p>21 that?</p> <p>22 A. He opened the door. He got out, but he</p> <p>23 stayed between the door and his vehicle.</p>

Page 25

- 1 Q. So he obeyed the command to get out of the  
2 car?  
3 A. Yes.  
4 Q. Was he saying anything at that time?  
5 A. He was cursing, being very belligerent.  
6 Q. What, if anything, did Mr. West do?  
7 A. He kept yelling the order for him to get on  
8 the ground.  
9 Q. All right. Did he take any other action?  
10 A. Did who take any action?  
11 Q. Mr. West.  
12 A. He kept yelling for Mr. Marshall to get on  
13 the ground.  
14 Q. All right. Did he fire his weapon?  
15 A. Yes.  
16 Q. In what direction did he fire his weapon?  
17 A. In Mr. Marshall's direction but into the  
18 ground.  
19 Q. And at that time were you looking at the  
20 passenger or were you looking at  
21 Mr. Marshall? Where were you looking?  
22 A. My angle, I could see them both. I could  
23 look at Mr. Marshall and right past him I

Page 26

- 1 could see the passenger.  
2 Q. All right. And after Mr. West fired the  
3 shot, what, if anything, did Mr. Marshall  
4 do?  
5 A. It froze him. Because Mr. Marshall was  
6 reaching back into his vehicle, and I  
7 believe that's the reason Lieutenant fired  
8 his weapon. When he fired the weapon, it  
9 froze Mr. Marshall, and he came out.  
10 Because I don't think he expected that to  
11 happen, so it froze him.  
12 Q. So you're holding your hands up. He came  
13 out with his hands up?  
14 A. Yeah, one on the window of the car and he  
15 had the other one like stunned.  
16 Q. Up in the air?  
17 A. (Witness nods head.)  
18 Q. Yes?  
19 A. Yes.  
20 Q. Did he get on the ground then?  
21 A. No.  
22 Q. What happened?  
23 A. Lieutenant approached him, and once he got

Page 27

- 1 close enough to him where he could put his  
2 hands on him, he put him on the ground.  
3 Q. At some point did his pants come off? Did  
4 Mr. Marshall's pants come off?  
5 A. During the tussle with the lieutenant they  
6 did.  
7 Q. Did you see Mr. Marshall ever take a swing  
8 at the lieutenant, ever try to run away,  
9 anything like that?  
10 A. Nothing like that, no.  
11 Q. So Mr. Marshall ends up on the ground with  
12 his hands behind him cuffed?  
13 A. After Lieutenant put his hands behind him  
14 cuffed.  
15 Q. Right. And what's happening with the  
16 passenger all this time?  
17 A. I've still got my weapon on him and he's  
18 still sitting there like a statue.  
19 Q. At any time did you feel the need to go to  
20 the aid of the lieutenant?  
21 A. No. He was doing pretty good.  
22 Q. All right. At what point did the passenger  
23 emerge from the vehicle?

Page 28

- 1 A. Once Lieutenant got the cuffs on  
2 Mr. Marshall, then I proceeded around to  
3 the passenger.  
4 Q. And did the passenger cooperate with you?  
5 A. Yes, sir.  
6 Q. And you cuffed him and put him on the  
7 ground?  
8 A. Got him out and then I sat him on the bank  
9 there.  
10 Q. Tell me what happened then.  
11 A. I walked back to the vehicle where  
12 Lieutenant was with Mr. Marshall. When I  
13 looked inside, I saw the .357 on the seat.  
14 Q. And that was a .357 Magnum revolver?  
15 A. Yes.  
16 Q. Did you search the vehicle?  
17 A. I can't remember if we searched it right  
18 then or if we searched it later. But we  
19 looked in it enough to see that there was a  
20 .357 on the seat, bullets on the floorboard  
21 and in the ashtray.  
22 Q. Do you recall whether or not, whether you  
23 searched it at the scene or you searched it

Page 29

1 later, you found anything else of  
2 contraband nature?  
3 A. Nothing that I can think of, no, sir.  
4 Q. Just kind of cutting to the chase, did you  
5 see Mr. West serve Mr. Marshall?  
6 A. I saw him pat him down.  
7 Q. Did you see him remove anything from his  
8 pants?  
9 A. No.  
10 Q. Did you see him remove any money?  
11 A. No.  
12 Q. Were you watching him enough to know  
13 whether or not he removed any money?  
14 A. I watched him enough to know that he had  
15 him secured so I could go secure the  
16 passenger.  
17 Q. So there was a period of time that you just  
18 lost sight of what Mr. West and  
19 Mr. Marshall were doing?  
20 A. Yes.  
21 Q. Because you were concentrating on the  
22 passenger?  
23 A. Correct.

Page 30

1 Q. I think we've already heard that at that  
2 point Mr. West called for a transportation  
3 unit, a marked unit, and that another  
4 deputy came, took Mr. Marshall away, and  
5 the passenger rode with you; is that  
6 correct?  
7 A. No.  
8 Q. Okay. Tell me what happened.  
9 A. The passenger rode with the lieutenant. I  
10 drove the Nova.  
11 Q. Okay. All right. Following the incident  
12 at which Mr. Marshall was handcuffed, did  
13 you see Mr. Marshall become violent in any  
14 way?  
15 A. While the lieutenant was in the car, he had  
16 gotten back up off the ground. And I told  
17 him -- I said, get back on the ground. And  
18 I had to go over and put him back on the  
19 ground.  
20 Q. But he didn't attempt to run away?  
21 A. I don't know if he was attempting to run  
22 away or not, but he got up.  
23 Q. But you walked over to him and put him back

Page 31

1 on the ground?  
2 A. Right.  
3 Q. And could that have been while the  
4 lieutenant was searching the vehicle?  
5 A. The lieutenant was leaned over in the  
6 vehicle, yes.  
7 Q. On the way back to the sheriff's office  
8 what, if anything, happened?  
9 A. Happened with me?  
10 Q. Yeah.  
11 A. Nothing happened with me.  
12 Q. You didn't stop at the side of the road?  
13 A. We stopped when the marked unit got -- tire  
14 started to go down. And I don't remember  
15 that whole incident fully because I wasn't  
16 concentrating on that.  
17 Q. Did you assist in the roadside search for  
18 any contraband?  
19 A. Yes.  
20 Q. And was any contraband located?  
21 A. We located a corner-torn baggy.  
22 Q. And describe that baggy for me.  
23 A. A sandwich bag where you would take the

Page 32

1 corner end and tear it off and tie a knot  
2 in it. That's what it looked like.  
3 Q. And who took custody of that?  
4 A. The lieutenant did.  
5 Q. During that period of time was the  
6 passenger in Mr. Marshall's vehicle still  
7 in the lieutenant's vehicle?  
8 A. I can't recall.  
9 Q. Did you have any role in booking  
10 Mr. Marshall or the passenger?  
11 A. No.  
12 Q. You delivered the passenger where?  
13 A. I didn't deliver the passenger.  
14 Q. Oh, that's right. Mr. West did, didn't he?  
15 A. Uh-huh (positive response).  
16 Q. What did you do with the vehicle?  
17 A. I parked it in front of the jail.  
18 Q. Do you know whether or not that vehicle was  
19 moved during the period of time that  
20 Mr. Marshall was in jail?  
21 A. Lieutenant came out from where I had parked  
22 it. He told me to put it inside. They had  
23 a secure gate there that locks, and he told

Page 33

1 me to move it and put it inside. That's  
 2 the only other incident of it being moved  
 3 from where I originally parked it.  
 4 Q. Do you know whether that car was driven  
 5 during any time other than that while  
 6 Mr. Marshall was incarcerated?  
 7 A. No.  
 8 Q. Did that Chevrolet Nova have shoulder  
 9 harnesses?  
 10 A. I can't recall. I wish I could.  
 11 Q. All right. I have shown you what's marked  
 12 as Plaintiff's --  
 13 (Brief interruption.)  
 14 (Plaintiff's Exhibit 7 was marked  
 15 for identification.)  
 16 Q. I'll show you this one instead of that  
 17 one. Do you recognize what I've marked as  
 18 Plaintiff's Exhibit Number 7?  
 19 A. Uh-huh (positive response). Yes.  
 20 Q. Turn to the second page of that. Whose  
 21 signature is that?  
 22 A. That's mine.  
 23 Q. And did you write this yourself?

Page 34

1 A. Yes.  
 2 Q. All right. And I just want to take a look  
 3 at it for just a second.  
 4 About two-thirds down the front page it  
 5 indicates that Mr. Marshall accelerated at  
 6 one point throwing something from the  
 7 driver's side window that was later found  
 8 to be drug evidence between the 102 and 104  
 9 mile marker.  
 10 A. Uh-huh (positive response).  
 11 Q. Did you later discover that there was no  
 12 drug residue found in that baggy?  
 13 A. Yes. Later, after Lieutenant had got the  
 14 analysis back from forensics, he told me  
 15 that it turned out to be no evidence in it.  
 16 Q. Okay. I may have asked you this, and if I  
 17 did, I apologize. Did you fill out a use  
 18 of force form with regard to any activity  
 19 in which you engaged on June 28th, 2005?  
 20 A. No.  
 21 Q. Is there a policy of the drug task force  
 22 that such reports be filled out?  
 23 A. If use of force was used -- I'm not sure of

Page 35

1 a policy -- we would put it in our  
 2 statement.  
 3 Q. So this Plaintiff's Exhibit Number 7 would  
 4 constitute any report that you would be  
 5 required to file?  
 6 A. If I had used force.  
 7 Q. Were you reprimanded for anything that  
 8 happened on that date?  
 9 A. No.  
 10 Q. Have you ever been reprimanded by the  
 11 Lowndes County Sheriff's Office?  
 12 A. Yes.  
 13 Q. For what?  
 14 A. Oh, I can't remember. It was during  
 15 Sheriff Varner's time.  
 16 Q. You can't recall anything that you were  
 17 reprimanded for?  
 18 A. Once about a radio. That's -- not  
 19 answering the radio or the radio not being  
 20 loud -- I can't remember. It was a radio  
 21 though.  
 22 Q. Anything having to do with citizen  
 23 complaints?

Page 36

1 A. I'm pretty sure some citizens have  
 2 complained.  
 3 Q. But were you ever disciplined in connection  
 4 with citizen complaints?  
 5 A. No. No.  
 6 Q. Has your POST certification ever been  
 7 suspended?  
 8 A. No.  
 9 MR. LEWIS: Give us a minute.  
 10 (A brief recess was taken.)  
 11 Q. (Mr. Lewis continuing:) Did you have  
 12 any -- and I may have asked this already.  
 13 Did you have any part to play other  
 14 than writing that statement that's been  
 15 marked as Plaintiff's Exhibit Number 7 in  
 16 the booking or prosecution of Mr. Marshall?  
 17 A. No, sir.  
 18 Q. Did you appear at court in connection with  
 19 a case against Mr. Marshall?  
 20 A. No.  
 21 MR. LEWIS: That's all I have.  
 22 (Deposition concluded at  
 23 approximately 11:15 a.m.)



Page 37

\*\*\*\*\*

FURTHER DEPONENT SAITH NOT

\*\*\*\*\*

## REPORTER'S CERTIFICATE

STATE OF ALABAMA:

MONTGOMERY COUNTY:

I, Tracie Sadler Blackwell, Certified  
Court Reporter and Commissioner for the State of  
Alabama at Large, do hereby certify that I reported  
the deposition of:

G. LASHUN HUTSON

who was duly sworn by me to speak the truth, the  
whole truth and nothing but the truth, in the  
matter of:

RICHARD MARSHALL,  
Plaintiff,

vs.

CHRIS WEST, in his individual  
Capacity, LASHUN HUTSON, in his  
Individual capacity,  
Defendants.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

Page 38

NORTHERN DIVISION

Case Number 2:06-cv-701-ID.CSC

on January 21, 2008.

The foregoing 37 computer-printed pages  
contain a true and correct transcript of the  
examination of said witness by counsel for the  
parties set out herein. The reading and signing of  
same is hereby waived.

I further certify that I am neither of  
kin nor of counsel to the parties to said cause nor  
in any manner interested in the results thereof.

This 6th day of February 2008.

\_\_\_\_\_  
Tracie Sadler Blackwell  
ACCR No. 294  
Expiration date: 9-30-2008  
Certified Court Reporter  
and Commissioner for the State  
of Alabama at Large

20

<p><b>A</b></p> <p>about 6:3 7:14 8:14 9:4 12:18 13:4,6,17,21 13:22 20:11 21:13,15 22:1 23:16 34:4 35:18</p> <p>academy 6:18,21 7:9</p> <p>accelerated 34:5</p> <p>ACCR 38:16</p> <p>action 1:8 25:9,10</p> <p>activity 34:18</p> <p>address 7:15,16,17</p> <p>advanced 6:14</p> <p>after 5:2 8:18 15:7 17:17,22 19:11 21:2 26:2 27:13 34:13</p> <p>again 20:6</p> <p>against 36:19</p> <p>agency 5:19 8:22 18:13</p> <p>ago 7:14</p> <p>agree 10:6</p> <p>agreed 3:13 4:4,11</p> <p>agreement 1:16</p> <p>ahead 18:3</p> <p>aid 27:20</p> <p>ain't 20:10</p> <p>air 26:16</p> <p>AL 2:11,14</p> <p>Alabama 1:3,18,20 2:6 3:19 37:5,9,23 38:18</p> <p>Albany 8:10,12,13</p> <p>already 30:1 36:12</p> <p>analysis 34:14</p> <p>angle 25:22</p> <p>angled 24:2</p> <p>another 14:4 30:3</p> <p>answer 16:10</p> <p>answering 35:19</p> <p>anybody 15:5 18:12</p> <p>anything 19:4 22:5,20 24:7,19 25:4,6 26:3 27:9 29:1,7 31:8 35:7 35:16,22</p> <p>Apartments 8:2</p> <p>apologize 34:17</p> <p>appear 36:18</p> <p>APPEARANCES 2:1</p> <p>approached 26:23</p> <p>approximately 1:21 36:23</p> <p>around 15:13 17:10 28:2</p> <p>arrest 15:1</p> <p>arrested 13:7 14:21 15:5</p> <p>ashtray 28:21</p> <p>asked 13:23 34:16 36:12</p>	<p>assist 31:17</p> <p>attempt 30:20</p> <p>attempting 30:21</p> <p>attended 8:9</p> <p>Attorney 2:5</p> <p>Attorneys 2:10,13</p> <p>away 27:8 30:4,20,22</p> <p>a.m 1:21 36:23</p> <p><b>B</b></p> <p>back 13:16 15:13 19:11 19:13 21:5,6,6,16 23:23 26:6 28:11 30:16,17,18,23 31:7 34:14</p> <p>background 6:4,5</p> <p>badge 19:6 20:8,13</p> <p>bag 31:23</p> <p>baggy 31:21,22 34:12</p> <p>bank 28:8</p> <p>basically 22:8</p> <p>become 30:13</p> <p>before 1:16 3:17</p> <p>BEHALF 2:3,8</p> <p>behind 15:14 17:10,17 17:23 19:11,14 20:5 21:6,16 22:21 23:6 24:6 27:12,13</p> <p>being 17:12 25:5 33:2 35:19</p> <p>believe 14:14 26:7</p> <p>belligerent 25:5</p> <p>beside 20:6</p> <p>between 3:14 4:5,12 24:23 34:8</p> <p>birth 8:4</p> <p>Blackwell 1:17 3:18 37:7 38:15</p> <p>blinking 20:8</p> <p>Blood 11:19,23</p> <p>blue 11:15 14:7 15:7 17:12 18:5,8,10,11 18:14 19:14 20:8,22 21:1,2</p> <p>blue-and-white 20:23</p> <p>booking 32:9 36:16</p> <p>both 20:13 24:5 25:22</p> <p>branch 7:5</p> <p>brief 33:13 36:10</p> <p>built-in 18:8</p> <p>bullets 28:20</p> <p>bumper 22:10</p> <p>business 13:5</p> <p>buy 18:12,13</p> <p><b>C</b></p> <p>call 22:4,5</p> <p>called 13:18 30:2</p> <p>calling 11:20 22:3</p>	<p>came 8:21 13:15 19:1 19:15 22:23 23:6 26:9,12 30:4 32:21</p> <p>capacity 1:10,10 37:19 37:20</p> <p>car 14:9,10,11 15:8 17:2,4,10,11,11 18:1 18:8,21,22 22:9,11 22:15 23:22 24:1,2 25:2 26:14 30:15 33:4</p> <p>Carmichael 2:14</p> <p>case 4:6,8 36:19 38:2</p> <p>Casey 13:18,22 14:15 14:19</p> <p>cattle 21:20,21 23:6</p> <p>cause 15:18,20 16:1,5 16:14,15,18 38:10</p> <p>CERTIFICATE 37:4</p> <p>certification 6:22 36:6</p> <p>certifications 7:4</p> <p>Certified 1:17 3:18 37:7 38:17</p> <p>certify 37:9 38:9</p> <p>chase 29:4</p> <p>Chevrolet 15:7 33:8</p> <p>CHRIS 1:9 37:18</p> <p>Christopher 2:17</p> <p>citizen 35:22 36:4</p> <p>citizens 36:1</p> <p>city 5:18 7:23</p> <p>Civil 1:8 3:16</p> <p>Civilian 20:20</p> <p>close 20:14 27:1</p> <p>clothes 20:20</p> <p>college 6:8,10 8:9</p> <p>come 15:13 21:20 27:3 27:4</p> <p>coming 14:8</p> <p>command 25:1</p> <p>commencing 1:21</p> <p>commission 3:20</p> <p>Commissioner 1:18 3:19 37:8 38:17</p> <p>communities 14:19</p> <p>community 13:17,22 14:15,16,17</p> <p>complained 36:2</p> <p>complaints 35:23 36:4</p> <p>computer-printed 38:4</p> <p>concentrating 29:21 31:16</p> <p>concluded 36:22</p> <p>connection 12:20,21 36:3,18</p> <p>constitute 35:4</p> <p>contact 12:5</p> <p>contain 38:5</p> <p>continued 20:5</p>	<p>continuing 36:11</p> <p>contraband 29:2 31:18 31:20</p> <p>conversation 13:16</p> <p>cooperate 28:4</p> <p>corner 32:1</p> <p>corner-torn 31:21</p> <p>Corps 6:8 8:18</p> <p>correct 10:19,20 13:20 16:21 20:3 21:17,18 22:16 24:3 29:23 30:6 38:5</p> <p>corrections 8:20</p> <p>counsel 3:14 4:5 38:6 38:10</p> <p>County 5:10,21 8:19,21 8:23 9:2,21 14:1,5 18:22 19:20 35:11 37:6</p> <p>Couple 6:11</p> <p>course 7:10,11</p> <p>courses 6:23 7:3,3</p> <p>court 1:2,17 3:18 4:18 36:18 37:8,22 38:17</p> <p>cuffed 27:12,14 28:6</p> <p>cuffs 28:1</p> <p>cursing 25:5</p> <p>curve 19:1</p> <p>custody 32:3</p> <p>cutting 29:4</p> <p>C-A-S-E-Y 13:19</p> <p><b>D</b></p> <p>Daryl 2:9</p> <p>dash 18:16 20:7 21:5</p> <p>date 8:4 10:6 35:8 38:16</p> <p>day 10:9 11:3 38:12</p> <p>dealer 14:17</p> <p>Defendants 1:11 2:8 37:21</p> <p>deliver 32:13</p> <p>delivered 32:12</p> <p>department 5:10 8:19 8:23 9:1,7,9,18</p> <p>DEPONENT 37:2</p> <p>deposition 1:15 3:15,17 4:1,6,13 36:22 37:10</p> <p>deputy 5:12 30:4</p> <p>describe 31:22</p> <p>determined 16:19,19</p> <p>different 14:18</p> <p>direction 22:17 25:16 25:17</p> <p>disciplined 36:3</p> <p>discover 34:11</p> <p>display 21:8</p> <p>DISTRICT 1:2,3 37:22 37:23</p>	<p>DIVISION 1:4 38:1</p> <p>doing 10:5,8,11,12 27:21 29:19</p> <p>done 22:13</p> <p>door 13:15 24:22,23</p> <p>doors 24:6</p> <p>dope 12:16,18</p> <p>Dougherty 8:19</p> <p>down 10:22 14:1,2,3,5 15:12 18:19 19:5 20:14 21:21 22:21 23:7 29:6 31:14 34:4</p> <p>Drive 1:20 2:10 7:18</p> <p>driven 33:4</p> <p>driver 24:8,13,16</p> <p>driver's 22:8 34:7</p> <p>driving 14:9 15:22 16:2 16:7 17:1,3 18:20 19:9 21:10 22:21</p> <p>dropped 21:6</p> <p>drove 30:10</p> <p>drug 5:17 7:6,7 11:5 14:17,17 34:8,12,21</p> <p>drugs 12:21 13:4</p> <p>DTF 10:15,16,18,21 11:4,5,10</p> <p>duly 5:2 37:12</p> <p>during 9:17 27:5 32:5 32:19 33:5 35:14</p> <p>duty 11:3</p> <p><b>E</b></p> <p>each 15:12</p> <p>ear 20:12</p> <p>early 10:9</p> <p>educational 6:3,5</p> <p>either 4:2,8</p> <p>elaborate 13:1</p> <p>Eley 1:19 2:9</p> <p>emerge 27:23</p> <p>employed 5:9,16,18</p> <p>employment 8:15</p> <p>end 32:1</p> <p>ended 22:17</p> <p>ends 27:11</p> <p>enforcement 6:15,20 7:1,5,6,8 8:15,16,17 12:5 18:13</p> <p>engaged 34:19</p> <p>enough 27:1 28:19 29:12,14</p> <p>ever 10:2 14:21 27:7,8 35:10 36:3,6</p> <p>evidence 4:1 34:8,15</p> <p>exact 23:2</p> <p>exactly 10:12,17 11:6 20:18</p> <p>examination 3:1 5:5 38:6</p>
---	---	--	---	--

<p>executing 22:1 Exhibit 3:5 33:14,18 35:3 36:15 exit 24:17 exited 24:5 expected 26:10 experience 6:20 8:15 Expiration 38:16</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p>facility 10:18 facing 23:23 familiar 9:20,23 13:17 far 12:14 fast 17:15 23:13 faster 23:11 fastest 23:13 FBI 6:17 February 38:12 Federal 3:16 feel 27:19 fender 22:9,10 few 6:16 Fieldcrest 7:18,21 8:2 file 35:5 filing 4:6,10 fill 34:17 filled 10:2 34:22 fire 25:14,16 fired 26:2,7,8 first 5:2 8:16,17 floorboard 28:20 Following 30:11 follows 5:4 force 5:17 9:21 10:3 11:5 34:18,21,23 35:6 foregoing 38:4 forensics 34:14 form 3:7,22 34:18 formality 3:20 found 20:5 29:1 34:7 34:12 frequents 14:18 from 6:9,12 8:6,20 9:6 9:9 10:22 12:22 27:23 29:7 32:21 33:3 34:6,14 front 22:9 32:17 34:4 froze 26:5,9,11 fuck 20:10 fully 31:15 further 4:4,11 37:2 38:9</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p>G 1:15 3:15 5:1,8 37:11 gate 32:23 gentleman's 11:18</p>	<p>Georgia 8:12 GILLILAND 2:12 give 9:15 36:9 go 7:13 9:6 13:13 18:3 27:19 29:15 30:18 31:14 goes 14:6 15:12 going 6:1 7:18 11:18 12:7,9 14:3,5 17:15 19:15 21:4 22:17 23:7,8,10,14 good 27:21 gotten 30:16 graduate 6:7,12 graduated 8:6 ground 24:18 25:8,13 25:18 26:20 27:2,11 28:7 30:16,17,19 31:1 guess 23:15,16 guessed 17:16 guys 11:19</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p>Halcyon 1:19 2:10 half 7:14 hand 22:23 handcuffed 30:12 hands 26:12,13 27:2,12 27:13 happen 26:11 happened 17:22 18:17 19:10 20:4 26:22 28:10 30:8 31:8,9,11 35:8 happening 27:15 happens 13:12 15:11 21:19 hard 10:12,17 harnesses 33:9 having 5:2 13:16 35:22 Hayneville 5:20 9:7,8 9:18 11:1,2,21 23:23 head 14:3 26:17 headed 19:20 hear 12:22 heard 11:23 12:19 13:3 14:16 30:1 held 20:9 help 13:8 hereto 4:9,12 HIGGINS 2:12 high 6:7,12 8:7 highway 19:22,23 him 11:19,20 12:1,10 15:14,19 17:5,23 19:11,14 20:5,6 21:7 21:17,22,23 22:6 24:17 25:7,23 26:5</p>	<p>26:11,23 27:1,2,2,12 27:13,17 28:6,6,8,8 29:6,6,7,10,12,14,15 30:17,18,23,23 hit 23:2 HITSON 2:12 hitting 22:8 holding 26:12 HOLTSFORD 2:12 home 7:17 house 11:18 13:14 houses 8:3,4 Howard 2:12 4:20 16:8 Hutson 1:10,15 3:7,15 5:1,8,9 37:11,19</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p>identification 33:15 identified 16:13 17:12 identify 23:3 imagine 20:14 incarcerated 33:6 incident 10:7 14:20,23 15:3 30:11 31:15 33:2 independent 12:11 INDEX 3:1 indicates 34:5 individual 1:9,10 14:4 17:1,3 37:18,20 individuals 17:2 information 12:17 initially 18:16 inkling 12:13,15 inside 28:13 32:22 33:1 instead 33:16 interested 38:11 interruption 33:13 intersection 19:16 intervention 22:2 introduced 4:7 involving 10:7</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p>jail 32:17,20 January 1:20 38:3 Jay 2:4,4 join 8:13 Judicial 5:17 June 5:15 10:5 14:20 34:19 just 16:10,12 18:1,1,20 20:22 22:6,14 24:9 29:4,17 34:2,3</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p>keep 11:20 kept 18:20 19:9 25:7,12 kin 38:10</p>	<p>kind 29:4 knock 13:14 knot 32:1 know 9:16 11:19,22 12:7 14:18 15:4,17 17:5 29:12,14 30:21 32:18 33:4 knowledge 12:11</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p>L 2:9 Large 1:18 3:19 37:9 38:18 larger 19:23 20:1 Lashun 1:10,15 3:7,15 5:1,8 37:11,19 last 11:12 later 28:18 29:1 34:7 34:11,13 law 1:19 2:4,5,10,13 6:15,20,23 7:5 8:14 8:16,17 12:4 18:13 leaned 31:5 leave 10:14 11:14 13:11 leaving 11:16 left 9:9 10:17 11:10,11 11:12,15 13:15 less 23:8 Let 16:3,7 Lewis 2:4,4 3:3 5:6 36:9,11,21 lieutenant 11:7,8,12 12:9 13:13 14:5,12 15:12,13,17 17:9 18:2 19:2 21:12,13 21:15,16 24:1,8 26:7 26:23 27:5,8,13,20 28:1,12 30:9,15 31:4 31:5 32:4,21 34:13 lieutenant's 32:7 light 18:3,5,10,11,15 19:14 20:7,22,23 21:1,2,5 lights 18:8 like 18:12 24:12 26:15 27:9,10,18 32:2 limit 17:16 23:8,11,17 Lincoln 11:15 line 13:5 little 13:17 lives 11:20 located 31:20,21 locks 32:23 long 7:10 9:2 long-term 6:22 look 25:23 34:2 looked 16:12,13,22 17:1,3 18:1,1,18,19</p>	<p>19:7 28:13,19 32:2 looking 12:7 14:4,7 16:10,14,16 17:13 25:19,20,21 lost 29:18 lot 6:8 loud 35:20 Lowndes 5:10,21 8:21 8:23 9:2,21 35:11 LT 20:5,11 21:4,6,13 21:21</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p>made 3:22 Magnum 28:14 make 15:14 making 15:15,20 16:1 16:5 man 19:8 manner 4:8 38:11 Marine 6:8 8:18 marked 30:3 31:13 33:11,14,17 36:15 marker 34:9 Marshall 1:6 10:7 11:20,22 12:5,8,18 13:4,12,21 14:14,21 15:1,4 16:23 17:5,7 18:18 19:17 22:22 24:20 25:12,21,23 26:3,5,9 27:7,11 28:2 28:12 29:5,19 30:4 30:12,13 32:10,20 33:6 34:5 36:16,19 37:15 Marshall's 13:13 17:11 23:22 24:2 25:17 27:4 32:6 Masters 2:9 4:21 matter 37:14 may 3:17 4:1,7 13:7 34:16 36:12 McDonough 2:5 mean 6:23 10:15 11:5 13:22 18:4 met 12:1 17:7 MIDDLE 1:3 37:23 might 14:2,14 mile 34:9 mine 33:22 minute 36:9 mirror 18:19,19 Mississippi 7:9 money 29:10,13 Montgomery 1:20 2:6 2:11,14 8:1 37:6 more 11:11 mother 20:10 move 24:10,11,13 33:1</p>
--	---	---	---	---

<p>moved 32:19 33:2 moving 18:2 much 6:10</p> <hr/> <p><b>N</b></p> <p>name 5:7 11:19,23 12:19,22 14:16 names 13:9 nature 29:2 need 3:22 27:19 needed 12:10 neither 38:9 never 17:7 next 18:21 21:19 NIX 2:12 nobody 13:15 18:2 nods 26:17 NORTHERN 1:4 38:1 nothing 5:3 27:10 29:3 31:11 37:13 Nova 14:8 15:7 17:12 17:15 30:10 33:8 Number 33:18 35:3 36:15 38:2</p> <hr/> <p><b>O</b></p> <p>obeyed 25:1 objections 3:21,21 observe 22:20 observed 22:23 occasion 14:23 15:3 off 11:7 20:7 27:3,4 30:16 32:1 offered 4:1 office 5:22 9:3,10,11,14 9:22 10:14,15,16,18 10:21,23 11:10 31:7 35:11 Offices 1:19 2:4 Oh 32:14 35:14 Okay 6:3 7:15 8:4,13 12:3 15:11 16:4,18 16:22 18:17 20:4 21:16,23 22:6,15 23:17,20 30:8,11 34:16 once 17:19 26:23 28:1 35:18 oncoming 19:12 one 10:1 11:11 14:19 26:14,15 33:16,17 34:6 only 33:2 onto 19:22 opened 24:22 opposite 22:17 order 25:7 originally 33:3 other 3:21 4:2,8 14:20</p>	<p>15:12 22:18 25:9 26:15 33:2,5 36:13 out 8:18 10:2 12:4,7,12 12:13 13:8 19:1 22:15,23 24:22 25:1 26:9,13 28:8 32:21 34:15,17,22 38:7 outside 6:20 over 6:23 7:2 19:6,8 20:9,12,15 21:3 30:18,23 31:5</p> <hr/> <p><b>P</b></p> <p>page 33:20 34:4 pages 38:4 pants 27:3,4 29:8 parked 32:17,21 33:3 part 36:13 particular 5:13 7:4 parties 3:14 4:5,12 38:7,10 party 4:2,8 pass 15:12 passenger 24:9,9,11 25:20 26:1 27:16,22 28:3,4 29:16,22 30:5 30:9 32:6,10,12,13 passenger's 22:10 past 25:23 pat 29:6 people 12:23 13:3,5,6,7 13:9 period 29:17 32:5,19 perks 14:6 personally 12:17 Physical 7:17 pitted 21:22,23 22:6 Plaintiff 1:7 2:3 37:16 Plaintiff's 3:5 33:12,14 33:18 35:3 36:15 play 36:13 please 5:7 point 18:21 21:8 27:3 27:22 30:2 34:6 Pointe 1:19 2:10 police 5:18,20 9:7,8,18 policy 9:21 34:21 35:1 portable 18:10,11 position 5:11 positive 5:23 7:22 15:10 32:15 33:19 34:10 POST 6:21 36:6 precision 22:1 PRESENT 2:16 pretty 27:21 36:1 prior 12:3 23:10 probable 15:18,20 16:1 16:5,14,15,18</p>	<p>probably 11:11 20:21 Procedure 3:16 proceeded 28:2 prosecution 36:16 protection 24:6 provided 4:3,9 pull 18:21 19:6,8 20:9 20:12,15 21:3 pulled 17:17,22 19:6 pulls 17:10 21:16 24:1 purely 23:15 purpose 4:2 11:16 15:15 pursuant 1:16 3:15 put 18:14,16 21:5 27:1 27:2,13 28:6 30:18 30:23 32:22 33:1 35:1 P.C 2:9</p> <hr/> <p><b>Q</b></p> <p>Quantico 6:18 question 3:22 15:23 16:3,11 questions 3:21</p> <hr/> <p><b>R</b></p> <p>radio 35:18,19,19,20 rank 5:13 reached 20:6 reaching 26:6 reading 38:7 rear-view 18:18 reason 14:13 19:13 26:7 recall 11:3,10 13:3 28:22 32:8 33:10 35:16 received 12:17 recess 36:10 recognize 33:17 refused 20:16 regard 34:18 regardless 4:9 remain 9:8 remember 9:5 19:12 28:17 31:14 35:14,20 remove 29:7,10 removed 29:13 rephrase 16:3 report 10:3 35:4 reported 37:9 Reporter 1:17 3:18 4:18 37:8 38:17 REPORTER'S 37:4 reports 34:22 representing 3:14 4:5 reprimanded 35:7,10 35:17</p>	<p>required 6:21 35:5 residue 34:12 response 5:23 7:22 15:10 24:20 32:15 33:19 34:10 results 38:11 return 9:13 returned 9:11 revolver 28:14 RICHARD 1:6 37:15 Rick 2:12 right 6:14,17 9:12,19 9:20 10:2 11:14 12:15 13:11 14:1,6 14:13 16:17 17:9,14 17:22 18:14 19:17,19 21:2,12 22:7 23:21 24:19 25:9,14,23 26:2 27:15,22 28:17 30:11 31:2 32:14 33:11 34:2 road 2:14 14:1,5 18:23 22:18,21 23:17,23 31:12 roadside 31:17 rode 30:5,9 role 32:9 rolled 19:5 Rules 3:16 run 27:8 30:20,21</p> <hr/> <p><b>S</b></p> <p>Sadler 1:17 3:17 37:7 38:15 SAITH 37:2 sale 12:21 same 4:10 38:8 sandwich 31:23 sat 21:6 24:12 28:8 saw 16:8,22 17:1,3 28:13 29:6 saying 25:4 says 15:8 20:12 scene 23:21 28:23 school 6:7,12 8:7 search 28:16 31:17 searched 28:17,18,23 28:23 searching 31:4 seat 28:13,20 second 33:20 34:3 secure 29:15 32:23 secured 29:15 see 14:7 15:7,20,23 16:5,7,9,15 18:2 25:22 26:1 27:7 28:19 29:5,7,10 30:13 semesters 6:11</p>	<p>separate 10:18 serve 29:5 set 38:7 setting 23:21 Sheriff 35:15 sheriff's 5:10,12,22 8:19,23 9:1,3,10,11 9:14,22 10:14,22 31:7 35:11 shot 26:3 shoulder 22:19 23:22 33:8 show 33:16 shown 33:11 side 18:19 19:3 21:22 22:9,10,18 31:12 34:7 sight 29:18 signature 4:13 33:21 signing 38:7 Since 14:23 15:3 sir 5:20 28:5 29:3 36:17 sitting 27:18 six 6:23 7:2 six-week 7:3 slow 23:7 slowed 23:7 slows 21:21 some 6:7 7:2 18:21 27:3 36:1 something 23:1 34:6 sorry 10:16 south 2:5 11:21 19:21 speak 5:3 37:12 special 7:5 specific 13:9 specifics 12:14 speed 17:16,17 23:8,11 23:17 spot 20:5 spun 22:15 started 31:14 starting 10:9 State 1:18 3:19 8:10,12 8:13 37:5,8 38:17 stated 22:14 statement 3:7 35:2 36:14 STATES 1:2 37:22 statue 24:12 27:18 Statute 4:3,9 stay 9:2 stayed 24:5,23 still 9:17 18:22 19:14 20:2,8,15 27:17,18 32:6 stipulated 3:13 4:4,11 stipulation 1:16 stipulations 3:12 4:19</p>
---	--	--	---	--



Deposition of G. Lashun Hutson

Marshall vs. West; Hutson

January 21, 2008

Page 4

stop 15:14,16,21 16:1,6 21:5 31:12 stopped 31:13 stopping 15:19 20:11 straightaway 19:2 street 2:5 10:22 stunned 26:15 subject 16:13 Suite 2:13 sure 4:20,21 34:23 36:1 suspended 36:7 swing 27:7 sworn 5:2 37:12	truth 5:3,3,4 37:12,13 37:13 try 27:8 turn 18:5 19:18 33:20 turned 19:19 34:15 turns 15:13 17:9 tussle 27:5 two 7:11 9:4 17:2 two-lane 20:2 two-thirds 34:4 two-week 7:2	23:7,8,14 25:19,20 25:21 29:12,19,21 35:7,16 36:3 weren't 16:16 West 1:9 2:17 11:8,8 11:13,17 12:4,9 13:22 14:12 15:8,18 16:19 17:9 21:12,14 21:15,16 24:1,15,19 25:6,11 26:2 29:5,18 30:2 32:14 37:18 we're 20:13 we've 23:21 30:1 while 18:22 22:20 30:15 31:3 33:5 whole 5:3 31:15 37:13 Wilcox 19:20 window 19:5 23:1 26:14 34:7 windows 20:14 windshield 23:2 wish 33:10 witness 4:12,13 5:2 26:17 38:6 work 7:16 8:22 10:10 worked 8:20 write 33:23 writing 36:14	34:19 294 38:16  3  300 2:13 34 3:7 357 28:13,14,20 36106 2:14 36117 2:11 37 38:4 3716 7:18,19  4  4001 2:14  5  5 3:3 55 23:19,20  6  6th 38:12 6-28-05 3:7  7  7 3:7 14:1,5 18:23 33:14,18 35:3 36:15 70 23:16 7475 1:19 2:10 77 6:13  8  847 2:5  9  9-21-58 8:5 9-30-2008 38:16 95 8:20 98 8:21	
<b>T</b>  take 18:4 25:9,10 27:7 31:23 34:2 taken 1:15 3:15,17 36:10 talk 12:10 talking 13:3,6 21:13,15 22:1 task 5:17 11:5 34:21 tear 32:1 technique 22:2 tell 5:7 6:3 8:6,14 10:5 11:6 13:12,21 20:18 28:10 30:8 testified 5:4 themselves 13:8 thereof 38:11 thing 21:19 think 7:11 9:23 21:4 26:10 29:3 30:1 though 35:21 three 7:11,14 9:4 throwing 34:6 tie 32:1 time 9:9,10 10:8,13,17 11:11,12 12:3 19:4,5 20:11 21:10 22:13 23:4,5,9,10 25:4,19 27:16,19 29:17 32:5 32:19 33:5 35:15 tire 31:13 told 15:18 21:4 24:17 30:16 32:22,23 34:14 tossed 23:1 toward 19:20 23:23 24:2 Tracye 1:16 3:17 37:7 38:15 traffic 19:13 training 6:9,15 7:7 transcript 38:5 transportation 30:2 trial 4:7 truck 21:20,21 23:6 true 38:5	<b>U</b>  Uh-huh 5:23 7:22 15:10 32:15 33:19 34:10 unit 30:3,3 31:13 UNITED 1:2 37:22 until 8:21 9:10 17:20 use 9:20 10:2 34:17,23 used 4:2,8 34:23 35:6 Usual 4:18  <b>V</b>  Varner's 35:15 vehicle 24:17,23 26:6 27:23 28:11,16 31:4 31:6 32:6,7,16,18 vehicles 24:5 versa 22:12 very 25:5 vice 22:12 violent 30:13 vs 1:8 37:17  <b>W</b>  waived 4:7,14 38:8 waiving 4:10 walked 28:11 30:23 want 13:1 19:8 34:2 wanted 13:7 wasn't 13:14 15:22,23 16:2,7,14 31:15 watched 29:14 watching 29:12 way 13:16 19:17 22:12 22:13,14 30:14 31:7 weapon 21:8 25:14,16 26:8,8 27:17 wearing 20:17,19 Webb 1:19 2:9 weeks 6:23 7:2,11,12 well 8:14 10:9 22:4,13 went 12:3 21:22 were 5:15,18 9:17 10:5 10:9,10 11:18 12:7 12:12,13 14:3,5 16:10 17:12 18:22 20:15,17 21:10 22:21	<b>Y</b>  Yeah 6:6 26:14 31:10 years 7:14 9:4,4 yelled 24:9 yelling 20:13 24:8,15 25:7,12 yells 20:11 y'all 19:7 20:10  <b>1</b>  10:40 1:21 102 34:8 104 34:8 11:15 36:23 16 7:20 1977 8:8 1995 8:17 1998 8:22  <b>2</b>  2nd 5:17 2:06-cv-701-ID.CSC 1:8 38:2 20 38:19 2005 5:15 9:17 10:6 14:21 34:19 2008 1:20 38:3,12 21 1:20 17:19,20 19:16 19:21,22 38:3 28th 5:15 10:5 14:20		

**DEPOSITION OF KELVIN CARMICHAEL**

**November 14, 2007**

**Pages 1 through 89**

**PREPARED BY:**

**Haislip, Ragan, Green, Starkie & Watson, P.C.**

**566 South Perry Street**

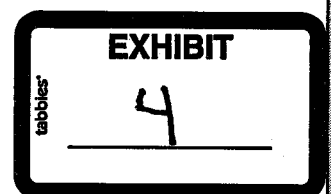
**Post Office Box 62**

**Montgomery, AL 36104**

**Phone: (334) 263-4455**

**Fax: (334) 263-9167**

**E-mail: haislipragan@charter.net**





Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RICHARD MARSHALL,  
Plaintiff,

vs. CIVIL ACTION NO.  
2:06-cv-701-ID.CSC

CHRIS WEST, in his individual  
capacity, LASHUN HUTSON, in his  
individual capacity,

Defendants.

\*\*\*\*\*

DEPOSITION OF KELVIN CARMICHAEL, taken  
pursuant to stipulation and agreement before Lyn  
Daugherty, ACCR #66, Certified Court Reporter and  
Commissioner for the State of Alabama at Large, in  
the Law Offices of Webb & Eley, 7475 Halcyon Pointe  
Drive, Montgomery, Alabama, on Wednesday, November  
14, 2007, commencing at approximately 1:55 p.m.

\*\*\*\*\*

Page 2

APPEARANCES

FOR THE PLAINTIFF:

Mr. Jay Lewis  
Mr. Fred L. Clements  
LAW OFFICES OF JAY LEWIS  
Attorneys at Law  
847 South McDonough Street  
Montgomery, Alabama 36104

FOR THE DEFENDANT WEST:

Mr. Gary Wilford  
Mr. Daryl L. Masters  
WEBB & ELEY, P.C.  
Attorneys at Law  
7475 Halcyon Pointe Drive  
P.O. Box 240909  
Montgomery, Alabama 36124

ALSO PRESENT: Mr. Richard Marshall

\*\*\*\*\*

EXAMINATION INDEX

KELVIN CARMICHAEL

BY MR. WILFORD ..... 4

EXHIBIT INDEX

MAR

Defendant

13 Photograph

73

Page 3

STIPULATIONS

It is hereby stipulated and agreed by and  
between counsel representing the parties that the  
deposition of KELVIN CARMICHAEL is taken pursuant  
to the Federal Rules of Civil Procedure and that  
said deposition may be taken before Lyn Daugherty,  
Certified Shorthand Reporter, and Commissioner for  
the State of Alabama at Large, without the  
formality of a commission, that objections to  
questions other than objections as to the form of  
the question need not be made at this time but may  
be reserved for a ruling at such time as the said  
deposition may be offered in evidence or used for  
any other purpose by either party provided for by  
the Statute.

It is further stipulated and agreed by and  
between counsel representing the parties in this  
case that the filing of said deposition is hereby  
waived and may be introduced at the trial of this  
case or used in any other manner by either party  
hereto provided for by the Statute regardless of  
the waiving of the filing of the same.

It is further stipulated and agreed by and

Page 4

between the parties hereto and the witness that the  
signature of the witness to this deposition is  
hereby waived.

\*\*\*\*\*

KELVIN CARMICHAEL

The witness, after having first been duly sworn  
to speak the truth, the whole truth and nothing but  
the truth testified as follows:

EXAMINATION

BY MR. WILFORD:

Q. Would you please state your name for the  
record, sir.

A. Kelvin Carmichael.

Q. Could you spell your first name for me,  
please.

A. K-E-L-V-I-N.

Q. Is it pronounced Kevin or Kelvin?

A. Kelvin.

Q. Mr. Carmichael, have you ever given a  
deposition before?

A. No.

Q. What we've got here is we've got a court  
reporter who is going to be taking down



Page 5	Page 7
<p>1 every word you and I say and anybody else</p> <p>2 says here in the courtroom today -- I'm</p> <p>3 sorry -- this conference room today. And</p> <p>4 so it's going to be important that we stick</p> <p>5 to certain rules as we're going through</p> <p>6 this thing. And one of those is that I</p> <p>7 need you to wait until I finish asking you</p> <p>8 a question before you answer it; all right?</p> <p>9 A. (Witness nods head).</p> <p>10 Q. And one of the things that I need you to do</p> <p>11 when you answer it, unlike what you did</p> <p>12 right there, is answer out loud for me</p> <p>13 either yes, no, or whatever the explanation</p> <p>14 might be, because it's very difficult for</p> <p>15 her to get down head shakes and noddings of</p> <p>16 the head like you just did there; all</p> <p>17 right?</p> <p>18 A. All right.</p> <p>19 Q. And as we kind of go through this, if you</p> <p>20 do that, hopefully I'll catch it and remind</p> <p>21 you of it. If I ask you a question and you</p> <p>22 don't understand the question, let me know</p> <p>23 and I'll be happy to rephrase it for you.</p>	<p>1 A. The day before we had to go meet at his</p> <p>2 office.</p> <p>3 Q. Who is his office?</p> <p>4 A. We went to talk to him because they wanted</p> <p>5 to see me.</p> <p>6 Q. You're saying him. I don't know who him</p> <p>7 is.</p> <p>8 A. I don't know his --</p> <p>9 Q. This gentleman sitting next to you right</p> <p>10 here?</p> <p>11 A. Yes.</p> <p>12 Q. From Mr. Lewis's office?</p> <p>13 A. Yes.</p> <p>14 Q. And y'all spoke about this deposition here</p> <p>15 today?</p> <p>16 A. They just told us that we had to come here</p> <p>17 and how to get here and all that.</p> <p>18 Q. Did you talk about your testimony with him?</p> <p>19 A. No.</p> <p>20 Q. Did they ask you about the facts of the</p> <p>21 case?</p> <p>22 A. No.</p> <p>23 Q. Did you look at any documents?</p>
Page 6	Page 8
<p>1 A. All right.</p> <p>2 Q. Because what I'm going to do is if I ask</p> <p>3 you a question and you answer me, I'm going</p> <p>4 to assume you understood my question. Is</p> <p>5 that fair?</p> <p>6 A. Yes.</p> <p>7 Q. If for whatever reason you need a break,</p> <p>8 let me know. We can go ahead and take a</p> <p>9 break. I think you noticed during</p> <p>10 Mr. Marshall's deposition we took a couple</p> <p>11 of breaks. And all you've got to do is</p> <p>12 just let me know and we can do that; all</p> <p>13 right?</p> <p>14 A. All right.</p> <p>15 Q. Okay. In preparing for your deposition</p> <p>16 today, did you speak with anyone?</p> <p>17 A. No.</p> <p>18 Q. You didn't speak with Mr. Marshall?</p> <p>19 A. He called me and told me that we had to</p> <p>20 come here.</p> <p>21 Q. Is that all he told you?</p> <p>22 A. Yes.</p> <p>23 Q. When did he call you?</p>	<p>1 A. No.</p> <p>2 Q. What's your date of birth?</p> <p>3 A. September 25th, 1980.</p> <p>4 Q. That makes you 27; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. Where were you born?</p> <p>7 A. Montgomery.</p> <p>8 Q. Do you work right now?</p> <p>9 A. Yes.</p> <p>10 Q. Where do you work?</p> <p>11 A. At Quincy's Triple Seven in Shorter.</p> <p>12 Q. How long have you been at Quincy's Triple</p> <p>13 Seven?</p> <p>14 A. Almost three weeks.</p> <p>15 Q. And what do you do for them?</p> <p>16 A. Housekeeping.</p> <p>17 Q. Did you work before Quincy's Triple Seven?</p> <p>18 A. Yes.</p> <p>19 Q. Who did you work for?</p> <p>20 A. I worked for Big Lots.</p> <p>21 Q. When did you work for Big Lots?</p> <p>22 A. About four years. But up until then I've</p> <p>23 been working with my uncle painting. Up</p>

Page 9

1 until now --  
 2 Q. So you were working -- I'm sorry.  
 3 A. Up until now when I stopped working at Big  
 4 Lots. I think it was in '05, '06,  
 5 something like that.  
 6 Q. That's when you started or when you  
 7 stopped?  
 8 A. When I stopped.  
 9 Q. When did you start with them?  
 10 A. I think it was in '01, '02.  
 11 Q. And you said after you left Big Lots you  
 12 worked with your uncle?  
 13 A. Painting.  
 14 Q. Did you work at Big Lots the same time  
 15 Mr. Marshall did?  
 16 A. Huh-uh (negative response).  
 17 Q. Is that a no?  
 18 A. No.  
 19 Q. What about before Big Lots, who did you  
 20 work for, if anybody, then?  
 21 A. Long John Silver.  
 22 Q. Where at?  
 23 A. On Norman Bridge Road.

Page 10

1 Q. How long did you work for them?  
 2 A. I worked for them when I was in school  
 3 since about '98.  
 4 Q. Why did you leave Long John Silver's?  
 5 A. Because I started working at Big Lots.  
 6 Q. And then why did you leave Big Lots?  
 7 A. I got terminated.  
 8 Q. And why did you get terminated?  
 9 A. Missing too many days.  
 10 Q. Have you ever been married?  
 11 A. No.  
 12 Q. Where do you live?  
 13 A. Norman Bridge Road.  
 14 Q. What's the address there?  
 15 A. 3468 Apartment A.  
 16 Q. Did you graduate from high school?  
 17 A. Yes.  
 18 Q. What high school did you graduate from?  
 19 A. Sidney Lanier.  
 20 Q. And when did you graduate?  
 21 A. '99.  
 22 Q. Have you ever been to college?  
 23 A. No.

Page 11

1 Q. Ever been to trade school?  
 2 A. No.  
 3 Q. How long have you lived on Norman Bridge  
 4 Road?  
 5 A. About three months.  
 6 Q. Where did you live before that?  
 7 A. Davenport Drive.  
 8 Q. Is that in Montgomery?  
 9 A. Yes.  
 10 Q. What's the street number there?  
 11 A. I'm not really sure of that. I just know  
 12 it's Davenport because I was staying there  
 13 with a girl. But it wasn't nothing but  
 14 like a year.  
 15 Q. How long did you live on Davenport Drive?  
 16 A. About a year.  
 17 Q. So that would have been about '06; is that  
 18 right?  
 19 A. Yes.  
 20 Q. And where did you live before that?  
 21 A. In Stone Crossing.  
 22 Q. Where is that?  
 23 A. On Woodley Road.

Page 12

1 Q. How long did you live in Stone Crossing?  
 2 A. About six months.  
 3 Q. Were you living in Stone Crossing at the  
 4 time of the traffic stop that led to this  
 5 lawsuit?  
 6 A. No.  
 7 Q. Where were you -- Then let's keep going  
 8 back. Where did you live before Stone  
 9 Crossing?  
 10 A. I had my own apartment in the Colonies.  
 11 But it's Cypress Court now. They changed  
 12 the name of it. It's on -- what street --  
 13 Troy Highway, right off Troy Highway.  
 14 Q. Is that where you were living at the time  
 15 of the traffic stop?  
 16 A. No. I think I had got put out my apartment  
 17 and I had went to stay with my grandmother  
 18 for a minute.  
 19 Q. So you were living with your grandmother at  
 20 that time?  
 21 A. I was just staying with her for a minute.  
 22 Q. Well, you have to explain to me what you  
 23 mean for a minute. How long a time are we

Page 13	Page 15
<p>1 talking about?</p> <p>2 A. It was probably about two, three months,</p> <p>3 something like that.</p> <p>4 Q. Was there anyplace that you lived at</p> <p>5 between your grandmother's house and</p> <p>6 Cypress Court?</p> <p>7 A. No.</p> <p>8 Q. Where is your grandmother's house at?</p> <p>9 A. In Farmersville.</p> <p>10 Q. What's the address there?</p> <p>11 A. I don't know. I just know it's on</p> <p>12 Youngblood Road. I don't know the address.</p> <p>13 Q. So that's not too far from where</p> <p>14 Mr. Marshall was living at the time?</p> <p>15 A. Not that far.</p> <p>16 Q. About how far would you say?</p> <p>17 A. Maybe five, 10 miles, I guess.</p> <p>18 Q. Are you and Mr. Marshall related?</p> <p>19 A. Yes.</p> <p>20 Q. How are you related?</p> <p>21 A. My cousin.</p> <p>22 Q. Do you have any children?</p> <p>23 A. Yes.</p>	<p>1 Q. Have you ever been a party to a lawsuit?</p> <p>2 A. No.</p> <p>3 Q. Never been sued?</p> <p>4 A. No.</p> <p>5 Q. Never sued anybody?</p> <p>6 A. No.</p> <p>7 Q. Have you ever been arrested before?</p> <p>8 A. Yes.</p> <p>9 Q. How many times have you been arrested?</p> <p>10 A. Maybe five times, I guess. Just tickets.</p> <p>11 Q. Okay. I'm not talking about -- What kind</p> <p>12 of tickets are you talking about?</p> <p>13 A. Like tickets that I got I didn't pay and</p> <p>14 they stopped me.</p> <p>15 Q. So you've been arrested five times for not</p> <p>16 paying tickets?</p> <p>17 A. Yes.</p> <p>18 Q. Is that what you're telling me?</p> <p>19 When was the first time you were</p> <p>20 arrested?</p> <p>21 A. That's kind of hard to say. I don't</p> <p>22 remember how long that's been. Maybe 2000.</p> <p>23 Q. Where were you arrested in 2000?</p>
Page 14	Page 16
<p>1 Q. How many?</p> <p>2 A. One.</p> <p>3 Q. How old is the child?</p> <p>4 A. She's five, fixing to be six.</p> <p>5 MR. WILFORD: Can we get the same</p> <p>6 stipulation with this witness,</p> <p>7 Jay, on the relatives?</p> <p>8 MR. LEWIS: Right.</p> <p>9 Q. Do you go to church?</p> <p>10 A. No.</p> <p>11 Q. Have you ever gone to church?</p> <p>12 A. Yes.</p> <p>13 Q. Last time you went to church where did you</p> <p>14 go?</p> <p>15 A. Morning Pilgrim.</p> <p>16 Q. Where is that at?</p> <p>17 A. On Rosa Parks.</p> <p>18 Q. In Montgomery?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever been a member of a union?</p> <p>21 A. No.</p> <p>22 Q. Any kind of social organization?</p> <p>23 A. No.</p>	<p>1 A. Montgomery.</p> <p>2 Q. Who was it that arrested you? City</p> <p>3 police? County police?</p> <p>4 A. City.</p> <p>5 Q. And what specifically did they arrest you</p> <p>6 for?</p> <p>7 A. Warrants for not -- unpaid ticket.</p> <p>8 Q. What was the unpaid ticket?</p> <p>9 A. I think it was a noise ordinance ticket.</p> <p>10 Q. Anything else besides the noise ordinance</p> <p>11 ticket?</p> <p>12 A. At that time?</p> <p>13 Q. Yes, sir.</p> <p>14 A. Just speeding tickets. I got arrested</p> <p>15 like --</p> <p>16 Q. I'm just asking you about the 2000 arrest</p> <p>17 right now. We're going to go through each</p> <p>18 of them.</p> <p>19 A. Not that I remember.</p> <p>20 Q. What happened with that arrest? Were you</p> <p>21 put in jail?</p> <p>22 A. Yes.</p> <p>23 Q. How long did you stay in jail?</p>

Page 17

1 A. A few hours.  
 2 Q. Did you pay the tickets?  
 3 A. Yes.  
 4 Q. Is that how you got out?  
 5 A. Yes.  
 6 Q. What about your second arrest, when was  
 7 that?  
 8 A. I think it was an unpaid speeding ticket.  
 9 Q. Do you remember when that was?  
 10 A. No.  
 11 Q. How long after the 2000 arrest was it?  
 12 A. Maybe a year, year later.  
 13 Q. So maybe sometime in '03?  
 14 A. Yeah. Yes.  
 15 Q. And where were you arrested then?  
 16 A. Montgomery.  
 17 Q. By the Montgomery Police Department?  
 18 A. Yes.  
 19 Q. Spend time in jail on that one?  
 20 A. Couple of hours.  
 21 Q. Did you pay the tickets?  
 22 A. Yes.  
 23 Q. How about arrest number three, when did

Page 18

1 that take place?  
 2 A. Probably was another year later.  
 3 Q. So sometime in '04?  
 4 A. Yes.  
 5 Q. And who arrested you that time?  
 6 A. Montgomery city.  
 7 Q. And what was that arrest for?  
 8 A. I think it was -- I had a driving while  
 9 suspended I didn't pay.  
 10 Q. What was your driver's license suspended  
 11 for?  
 12 A. A speeding ticket.  
 13 Q. A speeding ticket?  
 14 A. Yes.  
 15 Q. How did you get your license suspended for  
 16 a speeding ticket?  
 17 A. Not paying the ticket.  
 18 Q. All right. What happened as a result of  
 19 the '04 arrest?  
 20 A. What happened?  
 21 Q. Yes, sir. Were you put in jail again?  
 22 A. Yes.  
 23 Q. How long were you in jail that time?

Page 19

1 A. Couple hours.  
 2 Q. Was it the Montgomery City Jail?  
 3 A. Yes.  
 4 Q. And what happened with the driving while  
 5 suspended charge?  
 6 A. I had to pay a fine.  
 7 Q. Did you ever get your license back?  
 8 A. No.  
 9 Q. So sitting here today you don't have a  
 10 driver's license?  
 11 A. No.  
 12 Q. The fourth arrest, when did that take  
 13 place?  
 14 A. I was arrested about -- I think it was  
 15 about two, three months ago.  
 16 Q. Sometime in '07?  
 17 A. Yes.  
 18 Q. What was that arrest for?  
 19 A. Smoking in a nightclub.  
 20 Q. Smoking in a nightclub?  
 21 A. (Witness nods head).  
 22 Q. Where was that at?  
 23 A. The name of the club? The Martini Bar.

Page 20

1 Q. Is that in Montgomery?  
 2 A. Yes.  
 3 Q. Who arrested you?  
 4 A. I have no idea, because it wasn't the city  
 5 and it wasn't the county. But they took me  
 6 to the county, though.  
 7 Q. The Montgomery County Jail?  
 8 A. Yes.  
 9 Q. What happened when you got to the  
 10 Montgomery County Jail?  
 11 A. I stayed there a couple hours and got out.  
 12 Q. Was that on bond?  
 13 A. Uh-huh (positive response).  
 14 Q. What's the bond for smoking in a bar?  
 15 A. I think it was about, yeah, 150.  
 16 Q. I take it those charges are still  
 17 pending --  
 18 A. Uh-huh (positive response).  
 19 Q. -- or that charge is still pending?  
 20 A. I already went to court for it.  
 21 Q. What happened?  
 22 A. They put me in a class.  
 23 Q. Did you have to pay a fine?



Page 21

1 A. Yes.  
 2 Q. How much?  
 3 A. I think it was like about \$400 and I've got  
 4 to pay for the class.  
 5 Q. What is the class on? Do you know?  
 6 A. Put me in a class with alcoholics and  
 7 stuff.  
 8 Q. Okay. The fifth arrest, what was that?  
 9 A. I haven't been arrested since that.  
 10 Q. So really it was four times and not five  
 11 times you've been arrested?  
 12 A. Yeah. It ain't been nothing but just  
 13 tickets.  
 14 MR. WILFORD: Off the record.  
 15 (Off-the-record discussion.)  
 16 Q. Other than this class that you're going to  
 17 have to attend for smoking in a bar, have  
 18 you ever been treated for alcohol or drug  
 19 addiction?  
 20 A. No.  
 21 Q. Have you ever been treated for mental  
 22 illness?  
 23 A. No.

Page 22

1 Q. You know the event that we're here on  
 2 today; right?  
 3 A. Yes.  
 4 Q. Something happened out on Highway 21 in  
 5 Lowndes County?  
 6 A. Yes.  
 7 Q. Would you agree with me that that happened  
 8 on June 28th of 2005?  
 9 A. I'm not sure of the date.  
 10 Q. You don't have an independent recollection  
 11 of the date?  
 12 A. No.  
 13 Q. Would you have any reason to disagree that  
 14 June 28th, 2005 was the date this occurred?  
 15 A. I'm just not sure of the date.  
 16 Q. That's fine. Do you remember what you were  
 17 doing the day that this occurred?  
 18 A. Before or after?  
 19 Q. Before.  
 20 A. Yes.  
 21 Q. What were y'all doing? What were you  
 22 doing? Excuse me.  
 23 A. Watching them take a motor out of the car.

Page 23

1 Q. Watching who take a motor out of the car?  
 2 A. Two of my cousins.  
 3 Q. And who were the two cousins?  
 4 A. His name is -- because we call him by his  
 5 nickname. His name is Herman, though.  
 6 Q. And who else?  
 7 A. And my other cousin Steven.  
 8 Q. Steven?  
 9 A. Yes.  
 10 Q. Do you know what Herman and Steven's last  
 11 names are?  
 12 A. I know Steven's last name is Howard. I'm  
 13 not sure what Herman's last name is.  
 14 Q. Was there anybody else present that day?  
 15 A. Yes.  
 16 Q. Who?  
 17 A. Richard Marshall.  
 18 Q. Anybody else?  
 19 A. No.  
 20 Q. All right. Where were you taking this --  
 21 or where were they taking this motor out  
 22 at?  
 23 A. At my aunt's house.

Page 24

1 Q. What's your aunt's name?  
 2 A. Gwendolyn Howard.  
 3 Q. Where does she live? Where did she live at  
 4 the time? Excuse me.  
 5 A. Probably about a mile or two from my  
 6 grandma's house.  
 7 Q. That's in Farmersville?  
 8 A. Yes.  
 9 Q. When did you first get to your aunt's house  
 10 that morning?  
 11 A. I'm really not sure what time it was. I  
 12 know it was like -- kind of like in the  
 13 morning. Maybe ten, nine, something like  
 14 that.  
 15 Q. How did you get there?  
 16 A. In the car with Richard.  
 17 Q. How did you come to be in the car with  
 18 Richard?  
 19 A. Because I spent the night at his house that  
 20 night.  
 21 Q. The night before?  
 22 A. Yes.  
 23 Q. What did y'all do the night before?

Page 25

1 A. Nothing. Just at his house.  
 2 Q. And y'all didn't go anywhere?  
 3 A. No.  
 4 Q. Did y'all have anything to drink that  
 5 night?  
 6 A. No.  
 7 Q. Do any drugs that night?  
 8 A. No.  
 9 Q. What time did y'all get up on the morning  
 10 of the 28th? And I understand that you  
 11 don't have an independent recollection it  
 12 was the 28th. I'm just going to use that  
 13 as a kind of shorthand for right now.  
 14 A. Maybe eight, something like that.  
 15 Q. Did you go straight to your aunt's house  
 16 from there?  
 17 A. Yes.  
 18 Q. Did y'all have any breakfast that morning?  
 19 A. No.  
 20 Q. How long did it take to take that motor out  
 21 of the car?  
 22 A. Maybe an hour. Probably less than that.  
 23 Q. Were they doing anything else while they

Page 26

1 were taking the motor out?  
 2 A. Nothing but talking and laughing.  
 3 Q. Anybody have a beer?  
 4 A. No.  
 5 Q. Nothing to drink at all?  
 6 A. No.  
 7 Q. All right. What happened after the motor  
 8 was out of the car?  
 9 A. Me and my cousin got in the car and we was  
 10 on our way back to his house.  
 11 Q. In Richard's car?  
 12 A. Yes.  
 13 Q. What kind of car did Richard have?  
 14 A. Blue Nova.  
 15 Q. I'm going to show you what was previously  
 16 marked as Defendant's Exhibit 2 to Richard  
 17 Marshall's deposition. Is that Richard's  
 18 car?  
 19 A. Yes.  
 20 Q. What were you going to do when you got back  
 21 to Richard's house?  
 22 A. Nothing. Watch TV.  
 23 Q. Do you remember what day of the week it

Page 27

1 was?  
 2 A. No.  
 3 Q. Were y'all meeting anybody at Richard's  
 4 house?  
 5 A. No.  
 6 Q. Between your aunt's house and the time that  
 7 you first encountered my client in his car,  
 8 did y'all stop anywhere?  
 9 A. No.  
 10 Q. Who was driving the car?  
 11 A. Richard.  
 12 Q. Where were you at in the car?  
 13 A. In the passenger's side.  
 14 Q. Are there any seat belts in that car?  
 15 A. Yes.  
 16 Q. Were you wearing yours?  
 17 A. Yes.  
 18 Q. Was Richard wearing his?  
 19 A. Yes.  
 20 Q. So if Richard says he wasn't, he was  
 21 mistaken?  
 22 A. He be telling me to put mine on, so I'm  
 23 pretty sure he had his on.

Page 28

1 Q. Do you actually remember him having his  
 2 seat belt on, or you're just pretty sure?  
 3 A. I'm sure, because he told me to put mine  
 4 on. That's how he drive with his seat belt  
 5 on.  
 6 Q. Was there any alcohol in that car?  
 7 A. No.  
 8 Q. Let me show you what was previously marked  
 9 as Defendant's Exhibit 3. What was in that  
 10 flask?  
 11 A. Nothing.  
 12 Q. Do you know what had been in that flask?  
 13 A. No. But I know nothing was in it, though.  
 14 Q. That flask was in the car that day, though;  
 15 right?  
 16 A. Yeah.  
 17 Q. Whose Swishers were those?  
 18 A. I don't know.  
 19 Q. Were they yours?  
 20 A. No.  
 21 Q. That was Richard's car; right?  
 22 A. Huh?  
 23 Q. That was Richard's car; right?

Page 29

1 A. Yes.  
 2 Q. Do you see anything in Defendant's Exhibit  
 3 3 that belonged to you?  
 4 A. No.  
 5 Q. You see that gun in Defendant's Exhibit 3;  
 6 right?  
 7 A. Yes.  
 8 Q. Whose gun was that?  
 9 A. I don't know.  
 10 Q. Was it in the car when you got in the car  
 11 that morning?  
 12 A. Yes.  
 13 Q. Where was it when you got in the car that  
 14 morning?  
 15 A. On the seat.  
 16 Q. About where it is in Defendant's Exhibit 3?  
 17 A. Yes.  
 18 Q. Is that the front seat of Richard's car in  
 19 Defendant's Exhibit 3?  
 20 A. Yes.  
 21 Q. Is that gun loaded?  
 22 A. I don't know.  
 23 Q. Did you ever pick that gun up?

Page 30

1 A. I just seen it and I ain't asked nothing  
 2 about it because it wasn't my business,  
 3 so ...  
 4 Q. The gun looks to me like it's pointing  
 5 toward the passenger's side of the car.  
 6 Does that look like it's pointing that way  
 7 to you?  
 8 A. Yes.  
 9 Q. Make you nervous having a gun pointed at  
 10 you?  
 11 A. No.  
 12 Q. So you didn't pay it no mind?  
 13 A. No.  
 14 Q. All right. Did you ever see Richard with  
 15 that gun before?  
 16 A. No.  
 17 Q. That's the first time you saw it was that  
 18 day?  
 19 A. Yes. That's why I didn't ask him nothing  
 20 about it.  
 21 Q. Did Richard usually have a gun?  
 22 A. No.  
 23 Q. Was that the first time you had ever seen

Page 31

1 Richard with a gun?  
 2 A. Yes.  
 3 Q. So that's the first time you've ever seen  
 4 him with a gun and you didn't ask him  
 5 anything about it?  
 6 A. No.  
 7 Q. Do you know if Richard had any money on him  
 8 that day?  
 9 A. I know he had just sold my cousin a motor,  
 10 but I don't know what he sold it for,  
 11 though.  
 12 Q. Did you see any money change hands?  
 13 A. Not really. But he told me that my cousin  
 14 was fixing to buy it. That's why we went  
 15 over there to watch him take it out.  
 16 Q. But you didn't see him give him any money;  
 17 right?  
 18 A. Not at the time.  
 19 Q. Did you ever see him give him any money  
 20 later?  
 21 A. No. I know my cousin told me he bought the  
 22 motor from him.  
 23 Q. Which cousin was that?

Page 32

1 A. Herman.  
 2 Q. Did you ever actually see Richard with any  
 3 money that day?  
 4 A. Yes.  
 5 Q. When did you see him with money?  
 6 A. That morning before we left.  
 7 Q. How much did he have on him? Were you able  
 8 to see how much?  
 9 A. No.  
 10 Q. Were you able to see any particular bill?  
 11 A. No.  
 12 Q. How was he carrying the money?  
 13 A. In his pocket.  
 14 Q. Did he just take it out and show it to you?  
 15 A. No. We were fixing to go to the store and  
 16 get some gas, but he just said we're going  
 17 to go ahead on down there because they were  
 18 waiting on us.  
 19 Q. Okay. So how did you seeing his money come  
 20 into play there?  
 21 A. Because he was counting it because he said  
 22 he was fixing to go get gas, but he was  
 23 going to go ahead on and go to my auntee's

Page 33

1 house first and he would just get it when  
 2 we left there.  
 3 Q. All right. When was the first time you  
 4 noticed the car that my client was in?  
 5 A. When they pulled up on the side with a  
 6 pistol.  
 7 Q. Where was that at?  
 8 A. The same road that you turn off to go to my  
 9 grandmother's house. It wasn't 21. I'm  
 10 not for sure what the name of the road  
 11 was. But I remember them pulling up on the  
 12 side of us with a gun.  
 13 Q. That's the first time you saw them?  
 14 A. Yeah.  
 15 Q. You didn't see them at any point before  
 16 that?  
 17 A. No.  
 18 Q. What happened when they pulled up alongside  
 19 of you?  
 20 A. He was pointing the gun and pointing at the  
 21 side of the road and telling us to pull  
 22 over.  
 23 Q. Who was he?

Page 34

1 A. The guy on the passenger's side.  
 2 Q. Do you know who was on the passenger's  
 3 side?  
 4 A. No. I never saw them before. They had on  
 5 regular clothes.  
 6 Q. Have you learned since then who was on the  
 7 passenger's side?  
 8 A. I know now he was the police, but I don't  
 9 know his name.  
 10 Q. That's what I'm asking you. Have you found  
 11 out what his name was?  
 12 A. No.  
 13 Q. Can you describe him for me?  
 14 A. I know he was like -- he wasn't that tall.  
 15 Had a low haircut all over. Kind of slim  
 16 guy. He wasn't that big, not like the  
 17 driver.  
 18 Q. Black guy? White guy?  
 19 A. Who? The passenger?  
 20 Q. Yes, sir.  
 21 A. Black guy.  
 22 Q. Did he have any facial hair?  
 23 A. Yes. I think he had a mustache.

Page 35

1 Q. Just a mustache?  
 2 A. I think he did. He might have had a  
 3 full -- I know he just had a little beard  
 4 or something, I guess. I wasn't really  
 5 looking at him like that.  
 6 Q. You got a chance to look at him later,  
 7 though; right?  
 8 A. Uh-huh (positive response).  
 9 Q. Were you able to see the driver?  
 10 A. Yes.  
 11 Q. Did you know who the driver was prior to  
 12 that time?  
 13 A. No.  
 14 Q. Have you since learned who the driver was?  
 15 A. Yes.  
 16 Q. Who was the driver?  
 17 A. Guy named Chris West.  
 18 Q. And you didn't know Chris prior to this?  
 19 A. No. I never saw neither one of them.  
 20 Q. Did you know of either one of them prior to  
 21 this?  
 22 A. No.  
 23 Q. All right. So the car pulls up next to you

Page 36

1 and you said he had a gun?  
 2 A. Yeah.  
 3 Q. What kind of gun are we talking about?  
 4 A. I just know it was black. Because when I  
 5 seen him, I asked my cousin who is it, and  
 6 he say he don't know, might be somebody  
 7 trying to rob him or something. So -- I  
 8 don't know.  
 9 Q. Were you able to hear your cousin say that?  
 10 A. Huh?  
 11 Q. You were able to hear Richard say that?  
 12 A. When I asked him who is it, I heard him say  
 13 he didn't know.  
 14 Q. What hand did the person with the gun have  
 15 the gun in?  
 16 A. I think it was his right because he was  
 17 pointing with his -- this arm right here  
 18 (indicating). He was telling us to pull  
 19 over.  
 20 Q. How was he holding the gun?  
 21 A. Pointing it at us through his window.  
 22 Q. You say he was pointing it at you and using  
 23 his other hand to point to the side of the



Page 37	Page 39
<p>1 road?</p> <p>2 A. Yes.</p> <p>3 Q. What did Richard do, if anything, when he</p> <p>4 did that?</p> <p>5 A. We speeded up because we didn't know who</p> <p>6 they was. They was in regular clothes in a</p> <p>7 regular car, so we speeded up.</p> <p>8 Q. What happened after you sped up? Let me</p> <p>9 back up. I'm sorry. Did Richard say</p> <p>10 anything to them?</p> <p>11 A. No, not that I remember.</p> <p>12 Q. Was there anything going on that would</p> <p>13 prevent you from hearing what Richard might</p> <p>14 have said to them?</p> <p>15 A. He had the radio on, but I would have heard</p> <p>16 if he said anything. I mean, he didn't say</p> <p>17 nothing to them because they had their</p> <p>18 windows up and his window was down -- well,</p> <p>19 our window was down.</p> <p>20 Q. Richard's window was down, but their window</p> <p>21 was up?</p> <p>22 A. (Witness nods head).</p> <p>23 Q. So he's pointing through the glass with the</p>	<p>1 A. They got behind us.</p> <p>2 Q. Did you watch them?</p> <p>3 A. I was looking in the rear view mirror, like</p> <p>4 the little mirror on the side. But I was</p> <p>5 just looking at the car. I wasn't watching</p> <p>6 them.</p> <p>7 Q. You didn't turn around and look at them?</p> <p>8 A. Huh-uh (negative response). I was trying</p> <p>9 to tell him to go because I thought it was</p> <p>10 somebody trying to rob us, too, or rob him</p> <p>11 and they had a gun. I ain't trying to get</p> <p>12 shot.</p> <p>13 Q. Have you ever heard of any problems like</p> <p>14 that happening in that part of the county</p> <p>15 before?</p> <p>16 A. What? People getting robbed?</p> <p>17 Q. Well, people coming up alongside in cars</p> <p>18 and trying to rob people in a car.</p> <p>19 A. No. But I'm from Montgomery. I know it</p> <p>20 happens.</p> <p>21 Q. Okay. So you're watching in the side view</p> <p>22 mirror. What happens next?</p> <p>23 A. We turned on the road to go home.</p>
Page 38	Page 40
<p>1 gun? Is that what you're telling me?</p> <p>2 A. Yes.</p> <p>3 Q. What kind of car did they have?</p> <p>4 A. It was a Lincoln.</p> <p>5 Q. Do you remember anything else about the</p> <p>6 car?</p> <p>7 A. I think it was like a dark gray.</p> <p>8 Q. Was it a newer one or an older one?</p> <p>9 A. It was a newer one, but not that new. I</p> <p>10 think it was like about '98, '99. It</p> <p>11 wasn't no old model.</p> <p>12 Q. Did you see anything that stood out on the</p> <p>13 car; antennas, license plates, anything</p> <p>14 like that?</p> <p>15 A. No. It was just regular car.</p> <p>16 Q. Did you see any blue lights on the vehicle?</p> <p>17 A. No.</p> <p>18 Q. The road that you were on when the car came</p> <p>19 up alongside of you, is that a two-lane or</p> <p>20 four-lane or some other lane?</p> <p>21 A. Two.</p> <p>22 Q. All right. So you said Richard sped up.</p> <p>23 What happened after he sped up?</p>	<p>1 Q. And what road is that that you turned on to</p> <p>2 go home?</p> <p>3 A. I think that's -- I think it's 21.</p> <p>4 Q. Which way did you turn?</p> <p>5 A. Right.</p> <p>6 Q. Is that an intersection there that you</p> <p>7 turned at?</p> <p>8 A. Yes.</p> <p>9 Q. Is there a stop sign, traffic light,</p> <p>10 something there?</p> <p>11 A. A yellow flashing light.</p> <p>12 Q. Did Richard stop at that light?</p> <p>13 A. He yield. He slowed down. But then we</p> <p>14 took off again because we didn't know who</p> <p>15 they was.</p> <p>16 Q. Did he ever actually stop, though, at the</p> <p>17 intersection?</p> <p>18 A. No. Because there's a yield sign.</p> <p>19 Q. Was there any traffic around?</p> <p>20 A. No. Not at that time.</p> <p>21 Q. Had you seen any other cars besides yours</p> <p>22 and the Lincoln --</p> <p>23 A. No.</p>

Page 41

- 1 Q. -- up to that point?  
 2 A. No.  
 3 Q. What happened when you made the right onto  
 4 Highway 21?  
 5 A. We took off again.  
 6 Q. After the Lincoln fell in behind you before  
 7 the turn, did y'all -- you and Richard talk  
 8 about anything up until you turned right on  
 9 21?  
 10 A. No. Because I was really scared. I was  
 11 wondering myself who they was.  
 12 Q. You did say you were urging him to go on;  
 13 right?  
 14 A. Because I didn't know who it was, yes.  
 15 Q. What did you tell him?  
 16 A. I just kept asking him who that is, and he  
 17 just kept shrugging his shoulders he didn't  
 18 know. And I didn't know, so I just told  
 19 him, man, don't let them catch us because  
 20 we don't know who they is -- well, I don't  
 21 know who they is and then they're pointing  
 22 a gun too.  
 23 Q. Did Richard appear to be mad?

Page 42

- 1 A. No.  
 2 Q. He didn't yell at anybody up to that point?  
 3 A. No.  
 4 Q. All right. You make the right-hand turn  
 5 onto Highway 21. What happens next?  
 6 A. We rode down a little while and they were  
 7 still behind us. And they ran to the back  
 8 of the car.  
 9 Q. So they followed behind you and then just  
 10 ran into the back of the car?  
 11 A. Yes.  
 12 Q. How long from the time you turned right  
 13 onto 21 until they ran into the back of the  
 14 car?  
 15 A. Maybe it was about a mile.  
 16 Q. How fast was Richard going at that point?  
 17 A. I don't know.  
 18 Q. Did he go faster than he had been before he  
 19 turned off, about the same speed or slower?  
 20 A. It was about the same speed.  
 21 Q. Did you turn around at any point while you  
 22 were on Highway 21 to look at the car  
 23 behind you?

Page 43

- 1 A. After they hit us the second time that's  
 2 when I looked back.  
 3 Q. After they hit you the second time?  
 4 A. (Witness nods head).  
 5 Q. Prior to them hitting you, did you turn  
 6 around and look back at them?  
 7 A. No.  
 8 Q. What happened when, as you said, they ran  
 9 into you the first time?  
 10 A. I just was like, they done hit us. Because  
 11 by the time I was fixing to turn around  
 12 again and they hit us again. That's when I  
 13 turned around and looked.  
 14 Q. Let's just keep talking about the first  
 15 time for right now; okay?  
 16 A. Uh-huh (positive response).  
 17 Q. How hard a hit was it?  
 18 A. Enough to turn the back of the car a little  
 19 bit.  
 20 Q. Turn it how?  
 21 A. Like the back end swerved a little, like  
 22 swerved to the right like they were trying  
 23 to knock us off the road.

Page 44

- 1 Q. Did you actually see the Lincoln hit you?  
 2 A. I know it was them because they were right  
 3 behind us.  
 4 Q. I understand that. What I'm asking you is,  
 5 were you able to see them actually hit  
 6 you? Were you looking at them when they  
 7 hit you?  
 8 A. Not the first time.  
 9 Q. So you said it knocked -- it swerved the  
 10 back end a little bit?  
 11 A. (Witness nods head).  
 12 Q. Did it do anything else to the car?  
 13 A. No.  
 14 Q. They hit you a second time; is that right?  
 15 A. Yes.  
 16 Q. How much time passed between the first time  
 17 they hit you and the second time they hit  
 18 you?  
 19 A. Maybe a couple of seconds.  
 20 Q. And did you tell me that you were able to  
 21 turn around then and look at the car?  
 22 A. After they hit us the second time?  
 23 Q. No. Between the first time and the second

Page 45	Page 47
<p>1 time.</p> <p>2 A. I was fixing to look when they hit us the</p> <p>3 first time. But by the time I looked, they</p> <p>4 hit us again. And I turned back around to</p> <p>5 make sure we wasn't fixing to go off the</p> <p>6 road. Then I turned back and looked again.</p> <p>7 Q. After the second time?</p> <p>8 A. Yes.</p> <p>9 Q. Tell me about the second hit. How hard was</p> <p>10 it?</p> <p>11 A. Probably about the same as the first.</p> <p>12 Q. Did the speed of Richard's car change</p> <p>13 between the first time and the second time?</p> <p>14 A. A little, because when they hit us, it was</p> <p>15 like it knocked us forward a little bit.</p> <p>16 Q. So up until the second time they hit you,</p> <p>17 you still hadn't had a chance to turn</p> <p>18 around and look back; right?</p> <p>19 A. Huh-uh (negative response). I almost did</p> <p>20 after the first one. But when they hit us</p> <p>21 I turned back around to make sure we wasn't</p> <p>22 going off the road.</p> <p>23 Q. After they hit you the second time, what</p>	<p>1 grabbing him around his neck and people</p> <p>2 were stopping. Then he grabbed something</p> <p>3 and put it on top of the car.</p> <p>4 Q. All right. At what point did you tell</p> <p>5 Richard that it was the police behind you?</p> <p>6 A. I said, I think it's the police, and then</p> <p>7 he started talking in the thing. But by</p> <p>8 then he had hit us again and knocked us off</p> <p>9 the road.</p> <p>10 Q. Did you start to say that before that third</p> <p>11 hit or after the third hit?</p> <p>12 A. It was like time I was saying it he was</p> <p>13 running into us again. And that time he</p> <p>14 knocked us off the road.</p> <p>15 Q. So you did recognize then that it was the</p> <p>16 police that was behind you?</p> <p>17 A. I ain't -- I wasn't sure it was the</p> <p>18 police. I said I think it's the police</p> <p>19 because I saw him talking in a CB. And I'm</p> <p>20 pretty sure if somebody robbing you they</p> <p>21 probably wouldn't have no CB.</p> <p>22 Q. Had Richard ever said anything to you</p> <p>23 before about being robbed?</p>
Page 46	Page 48
<p>1 happened?</p> <p>2 A. That's when I turned around and looked.</p> <p>3 And it looked like he was on the radio or</p> <p>4 something. So I said --</p> <p>5 Q. What made you think he was on the radio?</p> <p>6 A. Because I saw him with something in his</p> <p>7 hand talking in it.</p> <p>8 Q. Can you describe for me what it was in his</p> <p>9 hand that he was talking into?</p> <p>10 A. Looked like a CB.</p> <p>11 Q. Did you see anything else besides the CB --</p> <p>12 what you described as looking like a CB?</p> <p>13 A. No.</p> <p>14 Q. How long were you able to look back?</p> <p>15 A. Maybe a couple seconds, because that's when</p> <p>16 he hit us again and he went off the road</p> <p>17 that time.</p> <p>18 Q. Who was it that was talking on the CB? Was</p> <p>19 it the driver or the passenger?</p> <p>20 A. The passenger.</p> <p>21 Q. Did you see any blue lights at that time?</p> <p>22 A. No. I didn't see any lights until after</p> <p>23 people was pulling over and they were</p>	<p>1 A. No.</p> <p>2 Q. So you didn't know before that day that</p> <p>3 he'd said he had been robbed before?</p> <p>4 A. No.</p> <p>5 Q. From the time you turned onto Highway 21</p> <p>6 until they hit you that third time, did you</p> <p>7 see any other cars on the road?</p> <p>8 A. No.</p> <p>9 Q. Did you see Richard throw something out the</p> <p>10 window?</p> <p>11 A. No.</p> <p>12 Q. You did see his arm out the window, though;</p> <p>13 right?</p> <p>14 A. He rides with his arm on his mirror.</p> <p>15 Q. Well, was he riding with his arm on the</p> <p>16 mirror at the time?</p> <p>17 A. Talking about at the time when they was</p> <p>18 riding behind us like that?</p> <p>19 Q. Right.</p> <p>20 A. I wasn't really paying attention to his</p> <p>21 hand then, not to be riding with it on the</p> <p>22 mirror, because I was scared.</p> <p>23 Q. Afterwards you made a statement, didn't</p>

Page 49

1 you?  
 2 A. Yes.  
 3 Q. And you told the police at that time that  
 4 you had put your -- or that he -- sorry.  
 5 Told the police at that time that you saw  
 6 that he put his arm out the window?  
 7 A. Put his arm out the window?  
 8 Q. Actually what you said was I saw that he  
 9 put his arm out the window.  
 10 A. Probably on his mirror, because he usually  
 11 drive holding his mirror while he drives.  
 12 Q. You didn't tell the police he was holding  
 13 his mirror, though, did you? Let me show  
 14 you Defendant's Exhibit 6. See if you can  
 15 show for me there where you said he had his  
 16 hand on the mirror.  
 17 A. No.  
 18 Q. It doesn't say that, does it?  
 19 A. No.  
 20 Q. Just says he had his arm out the window;  
 21 right?  
 22 A. I'm looking for where it says that at.  
 23 Q. Starting right here.

Page 50

1 A. Uh-huh (positive response).  
 2 Q. That is your statement that you made to the  
 3 police, right, Defendant's Exhibit 6?  
 4 A. Yes.  
 5 Q. Did you have a cell phone that day?  
 6 A. No.  
 7 Q. Did Richard?  
 8 A. No.  
 9 Q. What happened to that gun that was on the  
 10 seat there while all this bumping was going  
 11 on?  
 12 A. What happened to it?  
 13 Q. Uh-huh (positive response). If anything.  
 14 A. Nothing.  
 15 Q. Where was it while all of this bumping was  
 16 going on?  
 17 A. Up on the seat.  
 18 Q. Still right there on the seat?  
 19 A. Yes.  
 20 Q. Wasn't moving around at all?  
 21 A. No.  
 22 Q. Still pointing at you?  
 23 A. I guess. I wasn't really paying attention

Page 51

1 if he was pointing at me.  
 2 Q. Did you ever ask Richard to stop and let  
 3 you out of the car?  
 4 A. No.  
 5 Q. Okay. What happened after that third hit?  
 6 A. He went off the road.  
 7 Q. How did you go off the road? Describe that  
 8 for me.  
 9 A. The car spun around, almost turned over,  
 10 but it didn't.  
 11 Q. Which way did it go off the road?  
 12 A. To the left.  
 13 Q. Did it cross over the center line?  
 14 A. Yes.  
 15 Q. You said it almost turned over. How did it  
 16 almost turn over?  
 17 A. Because it's like they hit the edge of his  
 18 bumper and it spun us around. And the car  
 19 felt like it was fixing to turn over, but  
 20 it didn't once we went off in the grass.  
 21 Q. On the opposite side of the road?  
 22 A. Yeah.  
 23 Q. Let me show you what we marked as

Page 52

1 Defendant's Exhibit 8. Is that where  
 2 the -- where Richard's car wound up?  
 3 A. Yes.  
 4 Q. While it was spinning, what happened inside  
 5 of the car?  
 6 A. Nothing happened. When it stopped, he was  
 7 fixing to get out. That's when they shot  
 8 right there at the ground.  
 9 Q. We're not quite to that point yet. We'll  
 10 get to that in a minute. Did anything fly  
 11 around inside the car? You know, did you  
 12 hit anything inside the car? Did anything  
 13 hit you?  
 14 A. Huh-uh (negative response).  
 15 Q. Nothing happened inside the car while it  
 16 was spinning?  
 17 A. No.  
 18 Q. Did either you or Richard say anything  
 19 while the car was spinning?  
 20 A. No. I was trying to hold on because I  
 21 thought the car was fixing to turn over.  
 22 Q. Did you see when the Lincoln hit your car  
 23 that third time?



Page 53	Page 55
<p>1 A. Uh-huh (positive response).  2 Q. How did it hit you the third time?  3 A. Just like he put the edge of his bumper  4 on -- on the corner of my cousin's bumper.  5 Q. The edge of his front bumper?  6 A. Yeah. Like the driver's side, he pushed it  7 with the passenger's side of my cousin's  8 car.  9 Q. And you were looking at him when that  10 happened?  11 A. (Witness nods head).  12 Q. Did Richard's car hit anything between the  13 time that it was hit the third time and the  14 time that it came to rest?  15 A. Huh-uh (negative response).  16 Q. Is that a no?  17 A. No.  18 Q. Did you suffer any injuries at all in -- or  19 as a result of the car being forced off the  20 road?  21 A. No.  22 Q. Was Richard hurt?  23 A. No.</p>	<p>1 A. No. I was fixing to, though, until they  2 shot.  3 Q. Did Richard get out?  4 A. He was fixing to.  5 Q. When they got out of the car -- the two  6 officers I'm talking about -- did they say  7 anything?  8 A. They got out and pointed the guns.  9 Q. Did they say anything?  10 A. Not that I recall.  11 Q. Were you able to see any badges on them at  12 that point?  13 A. Yeah. After they pulled them out of their  14 shirts.  15 Q. When did they pull them out of their  16 shirts?  17 A. When they jumped out of the car and they  18 pointed their guns.  19 Q. So they jumped out of the car pointing  20 their guns, pull their badges out of their  21 shirts?  22 A. Because they was on a chain.  23 Q. Around their necks?</p>
Page 54	Page 56
<p>1 Q. Okay. What happened with the Lincoln after  2 y'all were spun out?  3 A. They pulled up right in line on the side of  4 the car.  5 Q. About like what you see there in  6 Defendant's 8?  7 A. About like that. Like they were back a  8 little bit.  9 Q. Okay. Is that the Lincoln in Defendant's  10 Exhibit 8 that we can just barely see there?  11 A. Yes.  12 Q. What happened once everybody came to a rest  13 or a stop?  14 A. They got out the car. And when my cousin  15 was getting out, they shot like right at  16 the door.  17 Q. Let's take this kind of slow and walk  18 through this whole thing. They got out of  19 the car; is that right?  20 A. Yes.  21 Q. Did you get out of the car?  22 A. I was fixing to get out.  23 Q. Did you actually get out?</p>	<p>1 A. (Witness nods head).  2 Q. Did they give any commands to get on the  3 ground?  4 A. Not when they first -- at first they  5 didn't.  6 Q. So at some point they did?  7 A. They told him to get out the car.  8 Q. Told him to get out of the car first?  9 A. Uh-huh (positive response).  10 Q. Did he do that?  11 A. Yes.  12 Q. How far did he get out of the car?  13 A. Just standing up in the doorway.  14 Q. Where were his hands?  15 A. On his side until they told him to put them  16 up.  17 Q. Until they told him to put his hands up?  18 A. Yes.  19 Q. Did he put his hands up?  20 A. Yes.  21 Q. Where were your hands while all this was  22 going on?  23 A. In my lap. I was still in the car.</p>

Page 57

1 Q. Were you watching what was going on?  
 2 A. Yeah.  
 3 Q. Were any of the guns pointed at you?  
 4 A. When he walked on my side.  
 5 Q. I'm talking about that point right there in  
 6 time when Richard is out of the car with  
 7 his hands up. Is anybody pointing their  
 8 guns at you?  
 9 A. He was like standing right in front of me,  
 10 so it was like they were pointing them at  
 11 me.  
 12 Q. So Richard was between you and them; is  
 13 that right?  
 14 A. Yes.  
 15 Q. All right. Richard puts his hands up.  
 16 What happens next?  
 17 A. They put the handcuffs on him and started  
 18 snatching him around.  
 19 Q. Hang on just a second because we're  
 20 skipping something here obviously. Because  
 21 you told me there was a shot fired  
 22 somewhere in here and there was some  
 23 commands to get on the ground. So let's go

Page 58

1 back. After Richard puts his hands up,  
 2 what's the next thing that happens?  
 3 A. They shot before they told me to get out.  
 4 At the time the car stopped, he opened the  
 5 door. That's when they shot.  
 6 Q. He was still in the car?  
 7 A. Uh-huh (positive response).  
 8 Q. How much time passed between the time that  
 9 they told him to get out of the car and  
 10 there was a shot fired?  
 11 A. Maybe 30 seconds.  
 12 Q. Where was the shot fired?  
 13 A. Like right at the ground with -- if he  
 14 would have stepped out where his foot would  
 15 have been like right at the door.  
 16 Q. Explain to me how you were able to see that  
 17 if he wasn't out of the car yet.  
 18 A. Because I can see the dirt jumping off the  
 19 ground.  
 20 Q. Was the car door open?  
 21 A. Yes.  
 22 Q. But Richard was still in the car?  
 23 A. Yeah. He was fixing to get out, but they

Page 59

1 shot.  
 2 Q. So you were able to see past Richard to  
 3 where this round hit?  
 4 A. How the car was it was like my side was up  
 5 on the hill, so I look at the ground  
 6 from -- with his door open.  
 7 Q. Okay. Fair enough. How far from the car  
 8 did the round hit?  
 9 A. It was like right by if he would have  
 10 stepped out.  
 11 Q. Let's look at Defendant's Exhibit 2. Show  
 12 for me on Defendant's Exhibit 2 where that  
 13 round hit.  
 14 A. Maybe right there somewhere.  
 15 Q. All right. So you were showing -- Please  
 16 put your finger back there. I need to  
 17 describe it for the record. You've got  
 18 your finger it looks like right in between  
 19 the front door and the back door; is that  
 20 right?  
 21 A. Uh-huh (positive response).  
 22 Q. And at least the way the picture is kind of  
 23 at the bottom -- even with the bottom of

Page 60

1 the front door --  
 2 A. Uh-huh (positive response).  
 3 Q. -- where it's open?  
 4 MR. MASTERS: Is that yes or no?  
 5 A. Yes.  
 6 Q. About how far in feet would you say that  
 7 was from the car?  
 8 A. Maybe one.  
 9 Q. Other than the badges and the guns, did you  
 10 see any other kind of equipment on the two  
 11 officers?  
 12 A. I think they had handcuffs.  
 13 Q. Anything else?  
 14 A. No.  
 15 Q. Do you know what a Taser is?  
 16 A. Yes.  
 17 Q. You've seen one before?  
 18 A. Yes.  
 19 Q. Did they have a Taser?  
 20 A. No.  
 21 Q. Do you know what pepper spray is?  
 22 A. Yes.  
 23 Q. Did they have pepper spray?

Page 61	Page 63
<p>1 A. No.</p> <p>2 Q. Other than telling Richard to get out of</p> <p>3 the car, did they say anything else before</p> <p>4 firing a shot?</p> <p>5 A. No.</p> <p>6 Q. Did they identify themselves as police?</p> <p>7 A. Yeah. After they shot.</p> <p>8 Q. After they shot. How long after they shot?</p> <p>9 A. Probably a couple of seconds.</p> <p>10 Q. What did they say to identify themselves as</p> <p>11 police?</p> <p>12 A. They pulled their badges out of their</p> <p>13 shirts and said they was the police.</p> <p>14 Q. Okay. You told me just a minute ago they</p> <p>15 pulled their badges out of their shirt as</p> <p>16 they were getting out of the car.</p> <p>17 A. I'm saying when they first got out of the</p> <p>18 car they shot. Then he pulled the badge</p> <p>19 out of his shirt.</p> <p>20 Q. Did they tell him to get out of the car</p> <p>21 before or after they pulled the badges out?</p> <p>22 A. After.</p> <p>23 Q. How many times did they shoot?</p>	<p>1 Q. And that's where that gun was, wasn't it?</p> <p>2 A. It was like in the middle of the seat.</p> <p>3 Q. But it was to his right side; correct?</p> <p>4 A. Uh-huh (positive response).</p> <p>5 Q. Is that a yes?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Let's move forward in time. Richard</p> <p>8 has gotten out of the car. He's got his</p> <p>9 hands up?</p> <p>10 A. Uh-huh (positive response).</p> <p>11 Q. Now what happens?</p> <p>12 A. They put the handcuffs on him.</p> <p>13 Q. Was he ordered to get to the ground?</p> <p>14 A. Yes.</p> <p>15 Q. Did he go to the ground?</p> <p>16 A. Yes.</p> <p>17 Q. By himself?</p> <p>18 A. Halfway by himself until they started</p> <p>19 grabbing him.</p> <p>20 Q. So he tried to go to the ground before they</p> <p>21 grabbed him? Is that what you're telling</p> <p>22 me?</p> <p>23 A. Yeah. He was going to the ground getting</p>
Page 62	Page 64
<p>1 A. One.</p> <p>2 Q. Who was it that shot?</p> <p>3 A. I'm not sure which one of them shot.</p> <p>4 Q. When they got out of the car, how far out</p> <p>5 of the car did they go?</p> <p>6 A. Like behind the door.</p> <p>7 Q. So the one who got out of the passenger's</p> <p>8 side, where did he go?</p> <p>9 A. He was behind his door.</p> <p>10 Q. And the driver?</p> <p>11 A. Behind his door.</p> <p>12 Q. Where was the gun in your car while all</p> <p>13 this was going on?</p> <p>14 A. On the seat.</p> <p>15 Q. Where were Richard's hands?</p> <p>16 A. When?</p> <p>17 Q. Before he got out of the car.</p> <p>18 A. He took his seat belt off.</p> <p>19 Q. So he had to reach down to his side to do</p> <p>20 that; right?</p> <p>21 A. Uh-huh (positive response).</p> <p>22 Q. Onto his right side?</p> <p>23 A. Yeah.</p>	<p>1 on his knees and they just forced him on</p> <p>2 down.</p> <p>3 Q. You're saying they. Did both officers come</p> <p>4 over to the car?</p> <p>5 A. Yes.</p> <p>6 Q. Describe for me how that happened.</p> <p>7 A. How it happened?</p> <p>8 Q. Yes, sir.</p> <p>9 A. The passenger came from behind his door and</p> <p>10 then the driver came from behind his door.</p> <p>11 And when they got him on the ground, that's</p> <p>12 when the passenger's side -- I mean, the</p> <p>13 officer on the passenger's side came to my</p> <p>14 side.</p> <p>15 Q. Did Richard already start going towards the</p> <p>16 ground before they left out from behind</p> <p>17 their doors?</p> <p>18 A. He was getting on his knees.</p> <p>19 Q. Was he on his knees before they left their</p> <p>20 doors?</p> <p>21 A. Yes. He was getting on his knees when they</p> <p>22 told him to get down.</p> <p>23 Q. How long did it take them to get from where</p>

Page 65

1 they started outside of their doors to  
 2 Richard?  
 3 A. Maybe two seconds, because they were right  
 4 in front of us.  
 5 Q. When they got to Richard, what did they do?  
 6 A. The one on the driver's side pushed him on  
 7 the ground.  
 8 Q. How?  
 9 A. Like from his back. He just pushed him on  
 10 the ground.  
 11 Q. One hand? Two hands?  
 12 A. One, because he had a gun in his other  
 13 hand.  
 14 Q. Which hand did he use to push him on the  
 15 ground with?  
 16 A. I guess his left.  
 17 Q. So the gun was in his right hand; is that  
 18 right?  
 19 A. If I'm not mistaken.  
 20 Q. What was the other one doing?  
 21 A. Like had his knees on the back of his neck  
 22 once he got on the ground.  
 23 Q. Before he got on the ground while the

Page 67

1 A. Uh-huh (positive response).  
 2 Q. With his knee on Richard's back?  
 3 A. Yeah. Because they was right in front of  
 4 the door and he had his knee on his back  
 5 and he was looking at me pointing the gun  
 6 at me telling me not to move.  
 7 Q. Once they got him cuffed, what did they do  
 8 next?  
 9 A. Snatched him up off the ground and started  
 10 grabbing on his neck and stuff. And his  
 11 pants and all that.  
 12 Q. Did he just forget about you?  
 13 A. No. The big one did once they got the  
 14 handcuffs on him. The other one that was  
 15 on the passenger's side walked on my side  
 16 and told me to get out of the car.  
 17 Q. How did he go? How did he get to your  
 18 side?  
 19 A. He walked around the front.  
 20 Q. What did he do once he got to your side?  
 21 A. Told me to get out the car.  
 22 Q. Were you paying attention to him at that  
 23 point in time?

Page 66

1 driver was pushing him down, what was the  
 2 one that came from the passenger's side  
 3 doing?  
 4 A. Looking at me telling me don't move.  
 5 Q. What was he doing with his weapon?  
 6 A. Pointing it at me.  
 7 Q. So Richard then goes to the ground?  
 8 A. Uh-huh (positive response).  
 9 Q. And after he gets to the ground what  
 10 happens?  
 11 A. That's when they put the handcuffs on him.  
 12 Q. Who put the handcuffs on him?  
 13 A. Chris West.  
 14 Q. How did they cuff him? How did Chris cuff  
 15 him? Excuse me.  
 16 A. With his hands behind his back.  
 17 Q. What did Chris do with his gun?  
 18 A. He put it in his holster after he put the  
 19 handcuffs on him. But the other one still  
 20 had his out.  
 21 Q. Where was that pointed?  
 22 A. At me.  
 23 Q. So he's still pointing at you?

Page 68

1 A. Which one?  
 2 Q. The one who was around on your side of the  
 3 car now.  
 4 A. Yes.  
 5 Q. And when he told you to get out of the car,  
 6 what did you do?  
 7 A. Get out.  
 8 Q. How did you get out?  
 9 A. Through the passenger's side.  
 10 Q. Did you open the door? Did you go out the  
 11 window? How did you get out?  
 12 A. Open the door.  
 13 Q. And he let you do that?  
 14 A. Uh-huh (positive response).  
 15 Q. Is that a yes?  
 16 A. Yes.  
 17 Q. Once you got out of the car, what happened  
 18 next?  
 19 A. They put the handcuffs on me.  
 20 Q. Who put the handcuffs on you?  
 21 A. The officer on the passenger side.  
 22 Q. Explain for me the handcuffing process for  
 23 you. How did he get cuffs on you?



Page 69	Page 71
<p>1 A. He just told me to stand on the side of the</p> <p>2 car and he grabbed one of my arms and put</p> <p>3 it behind my back and grabbed the other</p> <p>4 one.</p> <p>5 Q. Didn't put you on the ground?</p> <p>6 A. Huh-uh (negative response).</p> <p>7 Q. Is that a no?</p> <p>8 A. No.</p> <p>9 Q. Once he got the handcuffs on you, what</p> <p>10 happened next?</p> <p>11 A. He made me sit in the grass.</p> <p>12 Q. Where we see you on Defendant's Exhibit 8?</p> <p>13 A. Yes.</p> <p>14 Q. Is that right?</p> <p>15 A. Yes.</p> <p>16 Q. So he took you over there?</p> <p>17 A. Yes.</p> <p>18 Q. Were you able to -- What, if anything, were</p> <p>19 you able to see that was going on with</p> <p>20 Richard while this was happening?</p> <p>21 A. I just saw the bigger one that was driving</p> <p>22 the car just had his hand around his neck</p> <p>23 telling him to shut up and don't move and</p>	<p>1 and another car pulled up. I know we</p> <p>2 wasn't in the same car.</p> <p>3 Q. Back seat of what car?</p> <p>4 A. That Lincoln. I think that's what he was</p> <p>5 in. Because after they sat me on the</p> <p>6 ground it was like the car -- the Nova, it</p> <p>7 was kind of like blocking because they had</p> <p>8 him over there on the ground.</p> <p>9 Q. When you say blocking, does that mean you</p> <p>10 couldn't see what was going on?</p> <p>11 A. After they sat me in the grass.</p> <p>12 Q. Did you see anything else happen before --</p> <p>13 Let me back up. Another police car came at</p> <p>14 some point?</p> <p>15 A. Yes. Because I remember he was in -- when</p> <p>16 they stopped at the store, he was in</p> <p>17 another car. He wasn't in the car with me.</p> <p>18 Q. What happened between the time that you</p> <p>19 were sat there on the hill and that other</p> <p>20 police car came?</p> <p>21 A. They was looking through his car.</p> <p>22 Q. Who was looking through his car?</p> <p>23 A. Chris West.</p>
Page 70	Page 72
<p>1 pulling all on his pants and stuff.</p> <p>2 Q. Was Richard resisting him in any way?</p> <p>3 A. No.</p> <p>4 Q. Was he telling him he wasn't going to go</p> <p>5 anywhere?</p> <p>6 A. No. He just kept asking him why did they</p> <p>7 pull him over and knock him off the road.</p> <p>8 Just told him to shut up.</p> <p>9 Q. Was your radio still on at this point?</p> <p>10 A. No.</p> <p>11 Q. What happened with Richard? What did they</p> <p>12 do with him?</p> <p>13 A. They put him -- I think they put him in</p> <p>14 another car because I was in the Lincoln.</p> <p>15 Q. That's a little bit further down the road,</p> <p>16 though, right, in time?</p> <p>17 A. What?</p> <p>18 Q. Because they put you over here sitting on</p> <p>19 the side of the hill initially; right?</p> <p>20 A. Uh-huh (positive response).</p> <p>21 Q. While you were sitting over here on the</p> <p>22 hill, what did they do with Richard?</p> <p>23 A. I think he was in the back seat of that car</p>	<p>1 Q. Just Chris?</p> <p>2 A. And the other guy was, too, but he wasn't</p> <p>3 looking in it like the other guy was.</p> <p>4 Q. Did they take anything out of the car?</p> <p>5 A. Their gun.</p> <p>6 Q. What did they do with the gun?</p> <p>7 A. I think they sat it on the hood of their</p> <p>8 car.</p> <p>9 Q. How soon after you guys came to a rest</p> <p>10 after being knocked off the road did they</p> <p>11 get the gun?</p> <p>12 A. Probably after they sat me in the grass.</p> <p>13 Probably about maybe two, three minutes</p> <p>14 later, because time they looked in there</p> <p>15 that's when they seen it.</p> <p>16 Q. When did they first -- When did you first</p> <p>17 know that they knew that there was a gun in</p> <p>18 the car?</p> <p>19 A. Because I heard one of the officers said</p> <p>20 something about we pointing our guns at</p> <p>21 them and he got a gun in here bigger than</p> <p>22 ours.</p> <p>23 Q. First of all, who made that comment?</p>

Page 73

1 A. The guy that was on the passenger side.  
 2 Q. And when did he make that comment?  
 3 A. Once they looked in the car.  
 4 Q. Was that before or after they cuffed  
 5 Richard?  
 6 A. After.  
 7 Q. How long after they cuffed Richard?  
 8 A. Probably about three, four minutes. It  
 9 wasn't that long.  
 10 Q. Did they take some pictures that day?  
 11 A. They took a picture of me.  
 12 (Defendant's Exhibit 13 was marked  
 13 for identification.)  
 14 Q. Let me show you Defendant's Exhibit 13. Is  
 15 that the picture they took of you?  
 16 A. Yes.  
 17 Q. Did you see them taking these other  
 18 pictures that we've been talking about  
 19 today?  
 20 A. Not really. I remember they took this  
 21 picture right here. Not this one, but the  
 22 one where I was sitting in the grass.  
 23 Q. Defendant's 8?

Page 74

1 A. Uh-huh (positive response).  
 2 Q. Is that a yes?  
 3 A. Yes.  
 4 Q. Well, everything that we've showed you so  
 5 far, that is the way it was on that day;  
 6 correct?  
 7 A. Yes.  
 8 Q. They took a picture of Richard too; right?  
 9 A. Yes.  
 10 Q. Let me show you Defendant's 11. Is that  
 11 how he looked that day?  
 12 A. Yes.  
 13 Q. Let me show you Defendant's 9. What is  
 14 that?  
 15 A. Looks like about \$15.  
 16 Q. Can you tell where that's at?  
 17 A. Looks like under a bed.  
 18 Q. That's not in Richard's car?  
 19 A. No. He don't have carpet.  
 20 Q. Let me show you Defendant's 4. Is that a  
 21 picture of the inside of Richard's car that  
 22 day?  
 23 A. Yes.

Page 75

1 Q. Is that his ashtray?  
 2 A. Yes.  
 3 Q. And those bullets were in the ashtray that  
 4 day?  
 5 A. I guess. I didn't look in the ashtray.  
 6 Q. But you do recognize that as his ashtray;  
 7 correct?  
 8 A. Yeah. That's the inside of his car.  
 9 Q. At any point after Richard got out of the  
 10 car but before he was placed in handcuffs  
 11 did he try to get back in the car?  
 12 A. No. Because as soon as he opened the door,  
 13 they shot and he didn't ever move until  
 14 they told him to get out.  
 15 Q. Did he ever try to reach back into the car?  
 16 A. No.  
 17 Q. Other than the gun, did they take anything  
 18 else out of the car during the search?  
 19 A. No.  
 20 Q. Did anybody search you?  
 21 A. Yes.  
 22 Q. Who searched you?  
 23 A. Officer on the passenger side.

Page 76

1 Q. Did they take anything from you?  
 2 A. No.  
 3 Q. Did you see anybody search Richard?  
 4 A. Yes.  
 5 Q. Who searched Richard?  
 6 A. Chris West.  
 7 Q. Did you see them take anything from  
 8 Richard?  
 9 A. I seen them snatching all on his pants.  
 10 That's when they made me sit down in the  
 11 grass.  
 12 Q. Did you see them take anything from him,  
 13 though?  
 14 A. No.  
 15 Q. How long were you sitting there in the  
 16 grass before that police car showed up?  
 17 A. Maybe about 30, 45 minutes.  
 18 Q. And you said they put you in what car?  
 19 A. That Lincoln.  
 20 Q. Did they put you in the car after that  
 21 other police car showed up?  
 22 A. After they put him in the car, yes.  
 23 Q. After they put who in the car?

Page 77	Page 79
<p>1 A. Richard.</p> <p>2 Q. And they put him in which car?</p> <p>3 A. The police car.</p> <p>4 Q. Then they came and got you and put you in</p> <p>5 the Lincoln; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. What happened after y'all got put in the</p> <p>8 cars?</p> <p>9 A. The other officer got in Richard's car.</p> <p>10 Q. Which other officer?</p> <p>11 A. The one that was on the passenger's side.</p> <p>12 Q. What happened then?</p> <p>13 A. We drove up the road about a little less</p> <p>14 than a mile. That's when Chris West pulled</p> <p>15 over on the side of the road and picked up</p> <p>16 something.</p> <p>17 Q. Did you see what it was he picked up?</p> <p>18 A. No. He put it in a bag.</p> <p>19 Q. Did you ever come to learn what it was that</p> <p>20 he picked up?</p> <p>21 A. No. I just know what he said when he got</p> <p>22 back in the car.</p> <p>23 Q. What did he say?</p>	<p>1 in his car and was putting gas in it. And</p> <p>2 the police car had a flat and we had to sit</p> <p>3 there until they fixed the flat.</p> <p>4 Q. How long did that take?</p> <p>5 A. Probably about 30 minutes.</p> <p>6 Q. Anything else happen there at the gas</p> <p>7 station besides putting gas in Richard's</p> <p>8 car and fixing the flat?</p> <p>9 A. No. The other officer left in the car</p> <p>10 after that, after he put the gas in.</p> <p>11 Q. Left in Richard's car?</p> <p>12 A. Yeah.</p> <p>13 Q. Was the passenger still driving Richard's</p> <p>14 car?</p> <p>15 A. Yes.</p> <p>16 Q. He left before you did?</p> <p>17 A. Yes. After he put the gas in, he left and</p> <p>18 got out and was fixing his tire and Chris</p> <p>19 West stayed there until he got through.</p> <p>20 Q. After the tire was fixed, then what</p> <p>21 happened?</p> <p>22 A. They took us to the Hayneville jail.</p> <p>23 Q. How long did it take you to get to the</p>
Page 78	Page 80
<p>1 A. We got your cousin's ass now.</p> <p>2 Q. Did he say anything else besides that?</p> <p>3 A. No.</p> <p>4 Q. Did you know what he meant by that?</p> <p>5 A. No.</p> <p>6 Q. How did he know at that point that you were</p> <p>7 cousins?</p> <p>8 A. Because they -- he asked me.</p> <p>9 Q. When did he ask you that?</p> <p>10 A. While I was sitting on the ground, they</p> <p>11 asked me how did I know him.</p> <p>12 Q. All right. Once Chris gets back in the</p> <p>13 car, what happens after that?</p> <p>14 A. They go on down the road to the store.</p> <p>15 Q. What store did they go to?</p> <p>16 A. Howard, Howard Hooks.</p> <p>17 Q. Where is that at?</p> <p>18 A. Probably about a mile from where we was at.</p> <p>19 Q. Towards Hayneville? Towards Wilcox County?</p> <p>20 A. Towards Hayneville.</p> <p>21 Q. And what happened when you got to the</p> <p>22 store?</p> <p>23 A. The police car pulled up and they pulled up</p>	<p>1 Hayneville jail?</p> <p>2 A. Maybe five minutes. Five, 10 minutes.</p> <p>3 Q. Other than the comment that Chris made to</p> <p>4 you when he found whatever it was he found</p> <p>5 on the side of the road, did y'all have any</p> <p>6 other conversation at any time before you</p> <p>7 got to the jail?</p> <p>8 A. No. He had the radio up.</p> <p>9 Q. Did he talk on that CB radio as you</p> <p>10 described it while y'all were going to the</p> <p>11 jail?</p> <p>12 A. No.</p> <p>13 Q. How long does it take to get from that</p> <p>14 store to the jail?</p> <p>15 A. Maybe five, 10 minutes.</p> <p>16 Q. What happened once you got to the jail?</p> <p>17 A. They started dressing my cousin out. Well,</p> <p>18 made him change clothes.</p> <p>19 Q. What happened with you once you got to the</p> <p>20 jail?</p> <p>21 A. Nothing.</p> <p>22 Q. Nothing?</p> <p>23 A. No.</p>

Page 81

- 1 Q. Okay. You arrive in the Lincoln. You're
- 2 still in handcuffs; right?
- 3 A. Yes.
- 4 Q. Car stops?
- 5 A. Yes.
- 6 Q. What happens after the car stops?
- 7 A. They just take me on the inside where they
- 8 book you at, where they put you in there
- 9 at.
- 10 Q. Were you booked?
- 11 A. No.
- 12 Q. What did they do with you?
- 13 A. He just took me in a room and started
- 14 asking me questions. Then he told me to
- 15 call me a ride because I ain't who they
- 16 want.
- 17 Q. How long were you in the booking area
- 18 before being taken to that room?
- 19 A. Maybe 30, 45 minutes.
- 20 Q. Were you able to see Richard get booked?
- 21 A. Yes.
- 22 Q. What happened with Richard's booking?
- 23 A. They took him in the back and made him

Page 82

- 1 change clothes back there with Chris West.
- 2 And when they came back to the front, they
- 3 put his stuff on the counter and they got
- 4 into it about that wasn't the money that he
- 5 had.
- 6 Q. Who is they that got into it?
- 7 A. He told Chris West that that wasn't the
- 8 money that he had in his pocket, that some
- 9 of it was missing.
- 10 Q. What did Chris say?
- 11 A. Told him to shut up and told the people to
- 12 put him in a -- like a little cell right
- 13 beside.
- 14 Q. Did they do that?
- 15 A. Yes.
- 16 Q. How many people besides you, Chris West,
- 17 and Richard were there in the booking area?
- 18 A. It was a lady at the desk and another guy.
- 19 Q. Was the deputy who transported Richard, was
- 20 he there?
- 21 A. Not that I remember.
- 22 Q. Who was the other guy?
- 23 A. Someone up behind the desk with the girl.

Page 83

- 1 Q. Was he wearing a uniform?
- 2 A. Yes.
- 3 Q. Was it a jail uniform?
- 4 A. It was like he worked there.
- 5 Q. What about the girl as you described her,
- 6 was she somebody who worked there too?
- 7 A. Yes.
- 8 Q. Do you know who she was?
- 9 A. No.
- 10 Q. Haven't seen them since?
- 11 A. No.
- 12 Q. Who took you back into that room that you
- 13 were telling me about?
- 14 A. Chris West.
- 15 Q. And how long were you back there with him?
- 16 A. Maybe 20 minutes.
- 17 Q. What did y'all talk about?
- 18 A. He just was asking me questions. Then
- 19 another guy came in.
- 20 Q. Who was the other guy?
- 21 A. I don't know. He had on like a suit.
- 22 Q. White guy or black guy?
- 23 A. Black guy.

Page 84

- 1 Q. Did he have a badge?
- 2 A. Yes.
- 3 Q. And a gun?
- 4 A. Yes.
- 5 Q. Did he ask you questions?
- 6 A. Yes.
- 7 Q. Did you make this statement that's
- 8 Defendant's Exhibit 6 while you were back
- 9 there in that room?
- 10 A. I think that's the paper. I know they had
- 11 me write something.
- 12 Q. I'll let you look at it again and you tell
- 13 me if that's what you did that day.
- 14 A. Yes.
- 15 Q. Anybody else besides Chris and the guy in
- 16 the suit come back there and talk to you?
- 17 A. No.
- 18 Q. And what happened after you made the
- 19 statement?
- 20 A. He told me he would call me a ride.
- 21 Q. And did you do that?
- 22 A. Yes.
- 23 Q. Who did you call?



Page 85

1 A. My aunt. But --  
 2 Q. Which aunt?  
 3 A. Shirley Marshall. But she wasn't there, so  
 4 they told one of the police guys to take me  
 5 home.  
 6 Q. After you were taken back to that room  
 7 where you made the statement, did you see  
 8 Richard again that day?  
 9 A. No.  
 10 Q. Were there ever any charges pressed against  
 11 you?  
 12 A. No.  
 13 Q. Other than you and Richard, do you know of  
 14 anybody else who claims that they witnessed  
 15 the chase?  
 16 A. No.  
 17 Q. Do you know of anybody who claims to have  
 18 witnessed them ramming you off the road?  
 19 A. No.  
 20 Q. Do you know of anybody who claims to have  
 21 gone by and saw y'all on the side of the  
 22 road?  
 23 A. I seen cars stopping, but I ain't know who

Page 86

1 they was.  
 2 Q. You didn't recognize anybody?  
 3 A. No.  
 4 Q. Do you know what happened to that gun?  
 5 A. No.  
 6 MR. WILFORD: Let's take a break.  
 7 (Brief recess was taken.)  
 8 Q. Mr. Carmichael, what kind of stuff did you  
 9 and your cousin Richard do before this  
 10 incident?  
 11 A. At his house?  
 12 Q. Just in general. What kind of stuff did  
 13 y'all do?  
 14 A. Just sit around, watch TV, and used to go  
 15 to the casino.  
 16 Q. Which casino?  
 17 A. In White Hall.  
 18 Q. Anything else?  
 19 A. Just around my cousin's house.  
 20 Q. Do y'all still do those same things now?  
 21 A. I'm back up in Montgomery.  
 22 Q. You don't hang around with him anymore?  
 23 A. I see him every now and then.

Page 87

1 Q. When you see him every now and then, do  
 2 y'all do the same things you used to do?  
 3 A. Like when he come up here, we'll probably  
 4 go to the mall or something. But that's  
 5 been probably a year ago.  
 6 Q. That's just because y'all are separated by  
 7 distance now; right?  
 8 A. Yes.  
 9 Q. Have you noticed any changes in his  
 10 behavior?  
 11 A. No.  
 12 MR. WILFORD: I think that's all I  
 13 have.  
 14 MR. LEWIS: That's it.  
 15 (Deposition was concluded at  
 16 approximately 3:25 p.m.)

\*\*\*\*\*

FURTHER DEPONENT SAITH NOT

\*\*\*\*\*

Page 88

1 REPORTER'S CERTIFICATE  
 2 STATE OF ALABAMA:  
 3 MONTGOMERY COUNTY:  
 4 I, Lyn Daugherty, Certified Shorthand  
 5 Reporter and Commissioner for the State of Alabama  
 6 at Large, do hereby certify that I reported the  
 7 deposition of:  
 8 KELVIN CARMICHAEL  
 9 who was duly sworn by me to speak the truth, the  
 10 whole truth and nothing but the truth, in the  
 11 matter of:  
 12 RICHARD MARSHALL,  
 13 Plaintiff,  
 14 vs.  
 15 CHRIS WEST, in his individual  
 16 capacity, LASHUN HUTSON, in his  
 17 individual capacity,  
 18 Defendants.  
 19 IN THE UNITED STATES DISTRICT COURT  
 20 FOR THE MIDDLE DISTRICT OF ALABAMA  
 21 NORTHERN DIVISION  
 22 Civil Action No. 2:06-cv-701-ID.CSC  
 23 on Wednesday, November 14, 2007.

Page 89

1 The foregoing 87 computer-printed pages  
2 contain a true and correct transcript of the  
3 examination of said witness by counsel for the  
4 parties set out herein. The reading and signing is  
5 hereby waived.

6 I further certify that I am neither of kin  
7 nor of counsel to the parties to said cause nor in  
8 any manner interested in the results thereof.

9 This 13th day of December 2007.

10  
11  
12  
13 Lyn Daugherty, ACCR #66  
14 Expiration Date: 9-30-2008  
15 Certified Court Reporter  
16 And Commissioner for the  
17 State of Alabama at Large  
18  
19  
20  
21  
22  
23



<p><b>A</b></p> <p>able 32:7,10 35:9 36:9 36:11 44:5,20 46:14 55:11 58:16 59:2 69:18,19 81:20 about 7:14,18,20 8:22 9:19 10:3 11:5,16,17 12:2 13:1,2,16 15:11 15:12 16:16 17:6,23 19:14,15 20:15 21:3 24:5 29:16 30:2,20 31:5 36:3 38:5,10 41:8 42:15,19,20 43:14 45:9,11 47:23 48:17 54:5,7 55:6 57:5 60:6 67:12 72:13,20 73:8,18 74:15 76:17 77:13 78:18 79:5 82:4 83:5 83:13,17 ACCR 1:17 89:12 Action 1:7 88:22 actually 28:1 32:2 40:16 44:1,5 49:8 54:23 addiction 21:19 address 10:14 13:10,12 after 4:6 9:11 17:11 22:18 26:7 37:8 38:23 41:6 43:1,3 44:22 45:7,20,23 46:22 47:11 51:5 54:1 55:13 58:1 61:7 61:8,8,21,22 66:9,18 71:5,11 72:9,10,12 73:4,6,7 75:9 76:20 76:22,23 77:7 78:13 79:10,10,17,20 81:6 84:18 85:6 Afterwards 48:23 again 18:21 40:14 41:5 43:12,12 45:4,6 46:16 47:8,13 84:12 85:8 against 85:10 ago 19:15 61:14 87:5 agree 22:7 agreed 3:2,16,23 agreement 1:16 ahead 6:8 32:17,23 ain't 21:12 30:1 39:11 47:17 81:15 85:23 Alabama 1:2,18,20 2:5 2:11 3:8 88:2,5,20 89:14 alcohol 21:18 28:6 alcoholics 21:6 almost 8:14 45:19 51:9</p>	<p>51:15,16 alongside 33:18 38:19 39:17 already 20:20 64:15 another 18:2 70:14 71:1,13,17 82:18 83:19 answer 5:8,11,12 6:3 antennas 38:13 anybody 5:1 9:20 15:5 23:14,18 26:3 27:3 42:2 57:7 75:20 76:3 84:15 85:14,17,20 86:2 anymore 86:22 anyone 6:16 anyplace 13:4 anything 16:10 25:4,23 29:2 31:5 37:3,10,12 37:16 38:5,12,13 41:8 44:12 46:11 47:22 50:13 52:10,12 52:12,18 53:12 55:7 55:9 60:13 61:3 69:18 71:12 72:4 75:17 76:1,7,12 78:2 79:6 86:18 anywhere 25:2 27:8 70:5 apartment 10:15 12:10 12:16 appear 41:23 APPEARANCES 2:1 approximately 1:21 87:16 area 81:17 82:17 arm 36:17 48:12,14,15 49:6,7,9,20 arms 69:2 around 39:7 40:19 42:21 43:6,11,13 44:21 45:4,18,21 46:2 47:1 50:20 51:9 51:18 52:11 55:23 57:18 67:19 68:2 69:22 86:14,19,22 arrest 16:5,16,20 17:6 17:11,23 18:7,19 19:12,18 21:8 arrested 15:7,9,15,20 15:23 16:2,14 17:15 18:5 19:14 20:3 21:9 21:11 arrive 81:1 ashtray 75:1,3,5,6 asked 30:1 36:5,12 78:8,11 asking 5:7 16:16 34:10 41:16 44:4 70:6</p>	<p>81:14 83:18 ass 78:1 assume 6:4 attend 21:17 attention 48:20 50:23 67:22 Attorneys 2:4,9 aunt 85:1,2 auntie's 32:23 aunt's 23:23 24:1,9 25:15 27:6</p> <p><b>B</b></p> <p>back 12:8 19:7 26:10 26:20 37:9 42:7,10 42:13 43:2,6,18,21 44:10 45:4,6,18,21 46:14 54:7 58:1 59:16,19 65:9,21 66:16 67:2,4 69:3 70:23 71:3,13 75:11 75:15 77:22 78:12 81:23 82:1,2 83:12 83:15 84:8,16 85:6 86:21 badge 61:18 84:1 badges 55:11,20 60:9 61:12,15,21 bag 77:18 bar 19:23 20:14 21:17 barely 54:10 beard 35:3 bed 74:17 beer 26:3 before 1:16 3:6 4:20 5:8 7:1 8:17 9:19 11:6,20 12:8 15:7 22:18,19 24:21,23 30:15 32:6 33:15 34:4 39:15 41:6 42:18 47:10,23 48:2 48:3 58:3 60:17 61:3 61:21 62:17 63:20 64:16,19 65:23 71:12 73:4 75:10 76:16 79:16 80:6 81:18 86:9 behavior 87:10 behind 39:1 41:6 42:7 42:9,23 44:3 47:5,16 48:18 62:6,9,11 64:9 64:10,16 66:16 69:3 82:23 being 47:23 53:19 72:10 81:18 belonged 29:3 belt 28:2,4 62:18 belts 27:14 beside 82:13</p>	<p>besides 16:10 40:21 46:11 78:2 79:7 82:16 84:15 between 3:3,17 4:1 13:5 27:6 44:16,23 45:13 53:12 57:12 58:8 59:18 71:18 big 8:20,21 9:3,11,14 9:19 10:5,6 34:16 67:13 bigger 69:21 72:21 bill 32:10 birth 8:2 bit 43:19 44:10 45:15 54:8 70:15 black 34:18,21 36:4 83:22,23 blocking 71:7,9 blue 26:14 38:16 46:21 bond 20:12,14 book 81:8 booked 81:10,20 booking 81:17,22 82:17 born 8:6 both 64:3 bottom 59:23,23 bought 31:21 Box 2:10 break 6:7,9 86:6 breakfast 25:18 breaks 6:11 Bridge 9:23 10:13 11:3 Brief 86:7 bullets 75:3 bumper 51:18 53:3,4,5 bumping 50:10,15 business 30:2 buy 31:14</p> <p><b>C</b></p> <p>call 6:23 23:4 81:15 84:20,23 called 6:19 came 38:18 53:14 54:12 64:9,10,13 66:2 71:13,20 72:9 77:4 82:2 83:19 capacity 1:9,9 88:16,17 car 22:23 23:1 24:16 24:17 25:21 26:8,9 26:11,13,18 27:7,10 27:12,14 28:6,14,21 28:23 29:10,10,13,18 30:5 33:4 35:23 37:7 38:3,6,13,15,18 39:5 39:18 42:8,10,14,22 43:18 44:12,21 45:12 47:3 51:3,9,18 52:2,5</p>	<p>52:11,12,15,19,21,22 53:8,12,19 54:4,14 54:19,21 55:5,17,19 56:7,8,12,23 57:6 58:4,6,9,17,20,22 59:4,7 60:7 61:3,16 61:18,20 62:4,5,12 62:17 63:8 64:4 67:16,21 68:3,5,17 69:2,22 70:14,23 71:1,2,3,6,13,17,17 71:20,21,22 72:4,8 72:18 73:3 74:18,21 75:8,10,11,15,18 76:16,18,20,21,22,23 77:2,3,9,22 78:13,23 79:1,2,8,9,11,14 81:4 81:6 Carmichael 1:15 2:16 3:4 4:5,13,19 86:8 88:8 carpet 74:19 carrying 32:12 cars 39:17 40:21 48:7 77:8 85:23 case 3:18,20 7:21 casino 86:15,16 catch 5:20 41:19 cause 89:7 CB 46:10,11,12,18 47:19,21 80:9 cell 50:5 82:12 center 51:13 certain 5:5 CERTIFICATE 88:1 Certified 1:17 3:7 88:4 89:13 certify 88:6 89:6 chain 55:22 chance 35:6 45:17 change 31:12 45:12 80:18 82:1 changed 12:11 changes 87:9 charge 19:5 20:19 charges 20:16 85:10 chase 85:15 child 14:3 children 13:22 Chris 1:8 35:17,18 66:13,14,17 71:23 72:1 76:6 77:14 78:12 79:18 80:3 82:1,7,10,16 83:14 84:15 88:15 church 14:9,11,13 city 16:2,4 18:6 19:2 20:4 Civil 1:7 3:5 88:22</p>
--	---	--	---	---



claims 85:14,17,20 class 20:22 21:4,5,6,16 Clements 2:3 client 27:7 33:4 clothes 34:5 37:6 80:18 82:1 club 19:23 college 10:22 Colonies 12:10 come 6:20 7:16 24:17 32:19 64:3 77:19 84:16 87:3 coming 39:17 commands 56:2 57:23 commencing 1:21 comment 72:23 73:2 80:3 commission 3:9 Commissioner 1:18 3:7 88:5 89:14 computer-printed 89:1 concluded 87:15 conference 5:3 contain 89:2 conversation 80:6 corner 53:4 correct 63:3 74:6 75:7 89:2 counsel 3:3,17 89:3,7 counter 82:3 counting 32:21 county 16:3 20:5,6,7,10 22:5 39:14 78:19 88:3 couple 6:10 17:20 19:1 20:11 44:19 46:15 61:9 court 1:1,17 4:22 12:11 13:6 20:20 88:19 89:13 courtroom 5:2 cousin 13:21 23:7 26:9 31:9,13,21,23 36:5,9 54:14 80:17 86:9 cousins 23:2,3 78:7 cousin's 53:4,7 78:1 86:19 cross 51:13 Crossing 11:21 12:1,3 12:9 cuff 66:14,14 cuffed 67:7 73:4,7 cuffs 68:23 Cypress 12:11 13:6	89:13 Daugherty 1:17 3:6 88:4 89:12 Davenport 11:7,12,15 day 7:1 22:17 23:14 26:23 28:14 30:18 31:8 32:3 48:2 50:5 73:10 74:5,11,22 75:4 84:13 85:8 89:9 days 10:9 December 89:9 Defendant 2:7,21 Defendants 1:10 88:18 Defendant's 26:16 28:9 29:2,5,16,19 49:14 50:3 52:1 54:6,9 59:11,12 69:12 73:12 73:14,23 74:10,13,20 84:8 Department 17:17 DEPONENT 87:19 deposition 1:15 3:4,6 3:13,18 4:2,20 6:10 6:15 7:14 26:17 87:15 88:7 deputy 82:19 describe 34:13 46:8 51:7 59:17 64:6 described 46:12 80:10 83:5 desk 82:18,23 difficult 5:14 dirt 58:18 disagree 22:13 discussion 21:15 distance 87:7 DISTRICT 1:1,2 88:19 88:20 DIVISION 1:3 88:21 documents 7:23 doing 22:17,21,22 25:23 65:20 66:3,5 done 43:10 door 54:16 58:5,15,20 59:6,19,19 60:1 62:6 62:9,11 64:9,10 67:4 68:10,12 75:12 doors 64:17,20 65:1 doorway 56:13 down 4:23 5:15 32:17 37:18,19,20 40:13 42:6 62:19 64:2,22 66:1 70:15 76:10 78:14 dressing 80:17 drink 25:4 26:5 drive 1:20 2:10 11:7,15 28:4 49:11 driver 34:17 35:9,11,14	35:16 46:19 62:10 64:10 66:1 driver's 18:10 19:10 53:6 65:6 drives 49:11 driving 18:8 19:4 27:10 69:21 79:13 drove 77:13 drug 21:18 drugs 25:7 duly 4:6 88:9 during 6:9 75:18	E each 16:17 edge 51:17 53:3,5 eight 25:14 either 3:14,20 5:13 35:20 52:18 Eley 1:19 2:9 encountered 27:7 end 43:21 44:10 enough 43:18 59:7 equipment 60:10 even 59:23 event 22:1 ever 4:19 10:10,22 11:1 14:11,20 15:1,7 19:7 21:18,21 29:23 30:14 30:23 31:3,19 32:2 39:13 40:16 47:22 51:2 75:13,15 77:19 85:10 every 5:1 86:23 87:1 everybody 54:12 everything 74:4 evidence 3:13 examination 2:15 4:9 89:3 Excuse 22:22 24:4 66:15 Exhibit 2:19 26:16 28:9 29:2,5,16,19 49:14 50:3 52:1 54:10 59:11,12 69:12 73:12,14 84:8 Expiration 89:13 explain 12:22 58:16 68:22 explanation 5:13	faster 42:18 Federal 3:5 feet 60:6 fell 41:6 felt 51:19 few 17:1 fifth 21:8 filing 3:18,22 fine 19:6 20:23 22:16 finger 59:16,18 finish 5:7 fired 57:21 58:10,12 firing 61:4 first 4:6,14 15:19 24:9 27:7 30:17,23 31:3 33:1,3,13 43:9,14 44:8,16,23 45:3,11 45:13,20 56:4,4,8 61:17 72:16,16,23 five 13:17 14:4 15:10 15:15 21:10 80:2,2 80:15 fixed 79:3,20 fixing 14:4 31:14 32:15 32:22 43:11 45:2,5 51:19 52:7,21 54:22 55:1,4 58:23 79:8,18 flashing 40:11 flask 28:10,12,14 flat 79:2,3,8 fly 52:10 followed 42:9 follows 4:8 foot 58:14 forced 53:19 64:1 foregoing 89:1 forget 67:12 form 3:10 formality 3:9 forward 45:15 63:7 found 34:10 80:4,4 four 8:22 21:10 73:8 fourth 19:12 four-lane 38:20 Fred 2:3 from 7:12 10:16,18 13:13 24:5 25:16 31:22 37:13 39:19 42:12 48:5 59:6,7 60:7 64:9,10,16,23 65:9 66:2 76:1,7,12 78:18 80:13 front 29:18 53:5 57:9 59:19 60:1 65:4 67:3 67:19 82:2 full 35:3 further 3:16,23 70:15 87:19 89:6	G Gary 2:8 gas 32:16,22 79:1,6,7 79:10,17 general 86:12 gentleman 7:9 gets 66:9 78:12 getting 39:16 54:15 61:16 63:23 64:18,21 girl 11:13 82:23 83:5 give 31:16,19 56:2 given 4:19 glass 37:23 go 5:19 6:8 7:1 14:9,14 16:17 25:2,15 32:15 32:17,22,23,23 33:8 39:9,23 40:2 41:12 42:18 45:5 51:7,11 57:23 62:5,8 63:15 63:20 67:17 68:10 70:4 78:14,15 86:14 87:4 goes 66:7 going 4:23 5:4,5 6:2,3 12:7 16:17 21:16 25:12 26:15,20 32:16 32:23 37:12 42:16 45:22 50:10,16 56:22 57:1 62:13 63:23 64:15 69:19 70:4 71:10 80:10 gone 14:11 85:21 gotten 63:8 grabbed 47:2 63:21 69:2,3 grabbing 47:1 63:19 67:10 graduate 10:16,18,20 grandma's 24:6 grandmother 12:17,19 grandmother's 13:5,8 33:9 grass 51:20 69:11 71:11 72:12 73:22 76:11,16 gray 38:7 ground 52:8 56:3 57:23 58:13,19 59:5 63:13 63:15,20,23 64:11,16 65:7,10,15,22,23 66:7,9 67:9 69:5 71:6 71:8 78:10 guess 13:17 15:10 35:4 50:23 65:16 75:5 gun 29:5,8,21,23 30:4,9 30:15,21 31:1,4 33:12,20 36:1,3,14 36:15,20 38:1 39:11
--	---	--	---	---	---

## D

dark 38:7  
Daryl 2:8  
date 8:2 22:9,11,14,15

## F

facial 34:22  
facts 7:20  
fair 6:5 59:7  
far 13:13,15,16 56:12  
59:7 60:6 62:4 74:5  
Farmersville 13:9 24:7  
fast 42:16

41:22 50:9 62:12 63:1 65:12,17 66:17 67:5 72:5,6,11,17,21 75:17 84:3 86:4 guns 55:8,18,20 57:3,8 60:9 72:20 guy 34:1,16,18,18,21 35:17 72:2,3 73:1 82:18,22 83:19,20,22 83:22,23 84:15 guys 72:9 85:4 Gwendolyn 24:2	hearing 37:13 her 5:15 12:21 83:5 hereto 3:21 4:1 Herman 23:5,10 32:1 Herman's 23:13 high 10:16,18 Highway 12:13,13 22:4 41:4 42:5,22 48:5 hill 59:5 70:19,22 71:19 him 7:4,6,6,18 23:4 28:1 30:19 31:4,4,7 31:15,16,16,19,19,22 32:5,7 34:13 35:5,6 36:5,7,12,12 39:9,10 41:12,15,16,19 46:6 47:1,19 53:9 56:7,8 56:15,17 57:17,18 58:9 61:20 63:12,19 63:21 64:1,11,22 65:6,9,14 66:1,11,12 66:14,15,19 67:7,9 67:14,22 69:23 70:2 70:4,6,7,7,8,12,13,13 71:8 75:14 76:12,22 77:2 78:11 80:18 81:23,23 82:11,12 83:15 86:22,23 87:1 himself 63:17,18 hit 43:1,3,10,12,17 44:1,5,7,14,17,17,22 45:2,4,9,14,16,20,23 46:16 47:8,11,11 48:6 51:5,17 52:12 52:13,22 53:2,12,13 59:3,8,13 hitting 43:5 hold 52:20 holding 36:20 49:11,12 holster 66:18 home 39:23 40:2 85:5 hood 72:7 Hooks 78:16 hopefully 5:20 hour 25:22 hours 17:1,20 19:1 20:11 house 13:5,8 23:23 24:6,9,19 25:1,15 26:10,21 27:4,6 33:1 33:9 86:11,19 Housekeeping 8:16 Howard 23:12 24:2 78:16,16 Huh 28:22 36:10 Huh-uh 9:16 39:8 45:19 52:14 53:15 69:6 hurt 53:22 HUTSON 1:9 88:16	<b>I</b> idea 20:4 identification 73:13 identify 61:6,10 illness 21:22 important 5:4 incident 86:10 independent 22:10 25:11 INDEX 2:15,19 indicating 36:18 individual 1:8,9 88:15 88:17 initially 70:19 injuries 53:18 inside 52:4,11,12,15 74:21 75:8 81:7 interested 89:8 intersection 40:6,17 introduced 3:19	knee 67:2,4 knees 64:1,18,19,21 65:21 knew 72:17 knock 43:23 70:7 knocked 44:9 45:15 47:8,14 72:10 know 5:22 6:8,12 7:6,8 11:11 13:11,11,12 21:5 22:1 23:10,12 24:12 28:12,13,18 29:9,22 31:7,9,10,21 34:2,8,9,14 35:3,11 35:18,20 36:4,6,8,13 37:5 39:19 40:14 41:14,18,18,20,21 42:17 44:2 48:2 52:11 60:15,21 71:1 72:17 77:21 78:4,6 78:11 83:8,21 84:10 85:13,17,20,23 86:4 K-E-L-V-I-N 4:16	light 40:9,11,12 lights 38:16 46:21,22 like 5:16 9:5 11:14 13:3 15:13 16:15 21:3 24:12,12,13 25:14 30:4,6 34:14,16 35:5 38:7,10,14 39:3,13 43:10,21,21,22 45:15 46:3,10,12 47:12 48:18 51:17,19 53:3 53:6 54:3,5,7,7,15 57:9,10 58:13,15 59:4,9,18 62:6 63:2 65:9,21 71:6,7 72:3 74:15,17 82:12 83:4 83:21 87:3 Lincoln 38:4 40:22 41:6 44:1 52:22 54:1 54:9 70:14 71:4 76:19 77:5 81:1 line 51:13 little 35:3 39:4 42:6 43:18,21 44:10 45:14 45:15 54:8 70:15 77:13 82:12 live 10:12 11:6,15,20 12:1,8 24:3,3 lived 11:3 13:4 living 12:3,14,19 13:14 loaded 29:21 long 8:12 9:21 10:1,4 11:3,15 12:1,23 15:22 16:23 17:11 18:23 25:20 42:12 46:14 61:8 64:23 73:7,9 76:15 79:4,23 80:13 81:17 83:15 look 7:23 30:6 35:6 39:7 42:22 43:6 44:21 45:2,18 46:14 59:5,11 75:5 84:12 looked 43:2,13 45:3,6 46:2,3,10 72:14 73:3 74:11 looking 35:5 39:3,5 44:6 46:12 49:22 53:9 66:4 67:5 71:21 71:22 72:3 looks 30:4 59:18 74:15 74:17 Lots 8:20,21 9:4,11,14 9:19 10:5,6 loud 5:12 low 34:15 Lowndes 22:5 Lyn 1:16 3:6 88:4 89:12
hair 34:22 haircut 34:15 Halcyon 1:19 2:10 Halfway 63:18 Hall 86:17 hand 36:14,23 46:7,9 48:21 49:16 65:11,13 65:14,17 69:22 handcuffing 68:22 handcuffs 57:17 60:12 63:12 66:11,12,19 67:14 68:19,20 69:9 75:10 81:2 hands 31:12 56:14,17 56:19,21 57:7,15 58:1 62:15 63:9 65:11 66:16 hang 57:19 86:22 happen 71:12 79:6 happened 16:20 18:18 18:20 19:4 20:9,21 22:4,7 26:7 33:18 37:8 38:23 41:3 43:8 46:1 50:9,12 51:5 52:4,6,15 53:10 54:1 54:12 64:6,7 68:17 69:10 70:11 71:18 77:7,12 78:21 79:21 80:16,19 81:22 84:18 86:4 happening 39:14 69:20 happens 39:20,22 42:5 57:16 58:2 63:11 66:10 78:13 81:6 happy 5:23 hard 15:21 43:17 45:9 having 4:6 28:1 30:9 Hayneville 78:19,20 79:22 80:1 head 5:9,15,16 19:21 37:22 43:4 44:11 53:11 56:1 hear 36:9,11 heard 36:12 37:15 39:13 72:19	<b>H</b> hair 34:22 haircut 34:15 Halcyon 1:19 2:10 Halfway 63:18 Hall 86:17 hand 36:14,23 46:7,9 48:21 49:16 65:11,13 65:14,17 69:22 handcuffing 68:22 handcuffs 57:17 60:12 63:12 66:11,12,19 67:14 68:19,20 69:9 75:10 81:2 hands 31:12 56:14,17 56:19,21 57:7,15 58:1 62:15 63:9 65:11 66:16 hang 57:19 86:22 happen 71:12 79:6 happened 16:20 18:18 18:20 19:4 20:9,21 22:4,7 26:7 33:18 37:8 38:23 41:3 43:8 46:1 50:9,12 51:5 52:4,6,15 53:10 54:1 54:12 64:6,7 68:17 69:10 70:11 71:18 77:7,12 78:21 79:21 80:16,19 81:22 84:18 86:4 happening 39:14 69:20 happens 39:20,22 42:5 57:16 58:2 63:11 66:10 78:13 81:6 happy 5:23 hard 15:21 43:17 45:9 having 4:6 28:1 30:9 Hayneville 78:19,20 79:22 80:1 head 5:9,15,16 19:21 37:22 43:4 44:11 53:11 56:1 hear 36:9,11 heard 36:12 37:15 39:13 72:19	<b>J</b> jail 16:21,23 17:19 18:21,23 19:2 20:7 20:10 79:22 80:1,7 80:11,14,16,20 83:3 Jay 2:3,4 14:7 John 9:21 10:4 jumped 55:17,19 jumping 58:18 June 22:8,14 just 5:16 6:12 7:16 11:11 12:21 13:11 15:10 16:14,16 21:12 22:15 25:1,12 28:2 30:1 31:9 32:14,16 33:1 35:1,3 36:4 38:15 39:5 41:16,17 41:18 42:9 43:10,14 49:20 53:3 54:10 56:13 57:19 61:14 64:1 65:9 67:12 69:1 69:21,22 70:6,8 72:1 77:21 81:7,13 83:18 86:12,14,19 87:6	<b>L</b> L 2:3,8 lady 82:18 lane 38:20 Lanier 10:19 lap 56:23 Large 1:18 3:8 88:6 89:14 LASHUN 1:9 88:16 last 14:13 23:10,12,13 later 17:12 18:2 31:20 35:6 72:14 laughing 26:2 Law 1:19 2:4,4,9 lawsuit 12:5 15:1 learn 77:19 learned 34:6 35:14 least 59:22 leave 10:4,6 led 12:4 left 9:11 32:6 33:2 51:12 64:16,19 65:16 79:9,11,16,17 less 25:22 77:13 let 5:22 6:8,12 28:8 37:8 41:19 49:13 51:2,23 68:13 71:13 73:14 74:10,13,20 84:12 let's 12:7 43:14 54:17 57:23 59:11 63:7 86:6 Lewis 2:3,4 14:8 87:14 Lewis's 7:12 license 18:10,15 19:7 19:10 38:13	<b>M</b>

<p>mad 41:23  <b>made</b> 3:11 41:3 46:5  48:23 50:2 69:11  72:23 76:10 80:3,18  81:23 84:18 85:7  <b>make</b> 30:9 42:4 45:5,21  73:2 84:7  <b>makes</b> 8:4  <b>mall</b> 87:4  <b>man</b> 41:19  <b>manner</b> 3:20 89:8  <b>many</b> 10:9 14:1 15:9  61:23 82:16  <b>MAR</b> 2:20  <b>marked</b> 26:16 28:8  51:23 73:12  <b>married</b> 10:10  <b>Marshall</b> 1:5 2:12 6:18  9:15 13:14,18 23:17  85:3 88:12  <b>Marshall's</b> 6:10 26:17  <b>Martini</b> 19:23  <b>Masters</b> 2:8 60:4  <b>matter</b> 88:11  <b>may</b> 3:6,11,13,19  <b>maybe</b> 13:17 15:10,22  17:12,13 24:13 25:14  25:22 42:15 44:19  46:15 58:11 59:14  60:8 65:3 72:13  76:17 80:2,15 81:19  83:16  <b>McDonough</b> 2:5  <b>mean</b> 12:23 37:16  64:12 71:9  <b>meant</b> 78:4  <b>meet</b> 7:1  <b>meeting</b> 27:3  <b>member</b> 14:20  <b>mental</b> 21:21  <b>middle</b> 1:2 63:2 88:20  <b>might</b> 5:14 35:2 36:6  37:13  <b>mile</b> 24:5 42:15 77:14  78:18  <b>miles</b> 13:17  <b>mind</b> 30:12  <b>mine</b> 27:22 28:3  <b>minute</b> 12:18,21,23  52:10 61:14  <b>minutes</b> 72:13 73:8  76:17 79:5 80:2,2,15  81:19 83:16  <b>mirror</b> 39:3,4,22 48:14  48:16,22 49:10,11,13  49:16  <b>missing</b> 10:9 82:9  <b>mistaken</b> 27:21 65:19  <b>model</b> 38:11</p>	<p><b>money</b> 31:7,12,16,19  32:3,5,12,19 82:4,8  <b>Montgomery</b> 1:20 2:5  2:11 8:7 11:8 14:18  16:1 17:16,17 18:6  19:2 20:1,7,10 39:19  86:21 88:3  <b>months</b> 11:5 12:2 13:2  19:15  <b>morning</b> 14:15 24:10  24:13 25:9,18 29:11  29:14 32:6  <b>motor</b> 22:23 23:1,21  25:20 26:1,7 31:9,22  <b>move</b> 63:7 66:4 67:6  69:23 75:13  <b>moving</b> 50:20  <b>much</b> 21:2 32:7,8 44:16  58:8  <b>mustache</b> 34:23 35:1  <b>myself</b> 41:11</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>name</b> 4:11,14 12:12  19:23 23:4,5,12,13  24:1 33:10 34:9,11  <b>named</b> 35:17  <b>names</b> 23:11  <b>neck</b> 47:1 65:21 67:10  69:22  <b>necks</b> 55:23  <b>need</b> 3:11 5:7,10 6:7  59:16  <b>negative</b> 9:16 39:8  45:19 52:14 53:15  69:6  <b>neither</b> 35:19 89:6  <b>nervous</b> 30:9  <b>never</b> 15:3,5 34:4 35:19  <b>new</b> 38:9  <b>newer</b> 38:8,9  <b>next</b> 7:9 35:23 39:22  42:5 57:16 58:2 67:8  68:18 69:10  <b>nickname</b> 23:5  <b>night</b> 24:19,20,21,23  25:5,7  <b>nightclub</b> 19:19,20  <b>nine</b> 24:13  <b>noddings</b> 5:15  <b>nods</b> 5:9 19:21 37:22  43:4 44:11 53:11  56:1  <b>noise</b> 16:9,10  <b>Norman</b> 9:23 10:13  11:3  <b>NORTHERN</b> 1:3  88:21  <b>nothing</b> 4:7 11:13</p>	<p>21:12 25:1 26:2,5,22  28:11,13 30:1,19  37:17 50:14 52:6,15  80:21,22 88:10  <b>noticed</b> 6:9 33:4 87:9  <b>Nova</b> 26:14 71:6  <b>November</b> 1:20 88:23  <b>number</b> 11:10 17:23</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>objections</b> 3:9,10  <b>obviously</b> 57:20  <b>occurred</b> 22:14,17  <b>off</b> 12:13 21:14 33:8  40:14 41:5 42:19  43:23 45:5,22 46:16  47:8,14 51:6,7,11,20  53:19 58:18 62:18  67:9 70:7 72:10  85:18  <b>offered</b> 3:13  <b>office</b> 7:2,3,12  <b>officer</b> 64:13 68:21  75:23 77:9,10 79:9  <b>officers</b> 55:6 60:11  64:3 72:19  <b>Offices</b> 1:19 2:4  <b>Off-the-record</b> 21:15  <b>okay</b> 6:15 15:11 21:8  32:19 39:21 43:15  51:5 54:1,9 59:7  61:14 63:7 81:1  <b>old</b> 14:3 38:11  <b>older</b> 38:8  <b>once</b> 51:20 54:12 65:22  67:7,13,20 68:17  69:9 73:3 78:12  80:16,19  <b>one</b> 5:6,10 14:2 17:19  35:19,20 38:8,9  45:20 60:8,17 62:1,3  62:7 65:6,11,12,20  66:2,19 67:13,14  68:1,2 69:2,4,21  72:19 73:21,22 77:11  85:4  <b>onto</b> 41:3 42:5,13 48:5  62:22  <b>open</b> 58:20 59:6 60:3  68:10,12  <b>opened</b> 58:4 75:12  <b>opposite</b> 51:21  <b>ordered</b> 63:13  <b>ordinance</b> 16:9,10  <b>organization</b> 14:22  <b>other</b> 3:10,14,20 21:16  23:7 36:23 38:20  40:21 48:7 60:9,10  61:2 65:12,20 66:19</p>	<p>67:14 69:3 71:19  72:2,3 73:17 75:17  76:21 77:9,10 79:9  80:3,6 82:22 83:20  85:13  <b>out</b> 5:12 12:16 17:4  20:11 22:4,23 23:1  23:21 25:20 26:1,8  31:15 32:14 34:11  38:12 48:9,12 49:6,7  49:9,20 51:3 52:7  54:2,14,15,18,21,22  54:23 55:3,5,8,13,15  55:17,19,20 56:7,8  56:12 57:6 58:3,9,14  58:17,23 59:10 61:2  61:12,15,16,17,19,20  61:21 62:4,4,7,17  63:8 64:16 66:20  67:16,21 68:5,7,8,10  68:11,17 72:4 75:9  75:14,18 79:18 80:17  89:4  <b>outside</b> 65:1  <b>over</b> 31:15 33:22 34:15  36:19 46:23 51:9,13  51:15,16,19 52:21  64:4 69:16 70:7,18  70:21 71:8 77:15  <b>own</b> 12:10</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>pages</b> 89:1  <b>painting</b> 8:23 9:13  <b>pants</b> 67:11 70:1 76:9  <b>paper</b> 84:10  <b>Parks</b> 14:17  <b>part</b> 39:14  <b>particular</b> 32:10  <b>parties</b> 3:3,17 4:1 89:4  89:7  <b>party</b> 3:14,20 15:1  <b>passed</b> 44:16 58:8  <b>passenger</b> 34:19 46:19  46:20 64:9 68:21  73:1 75:23 79:13  <b>passenger's</b> 27:13 30:5  34:1,2,7 53:7 62:7  64:12,13 66:2 67:15  68:9 77:11  <b>past</b> 59:2  <b>pay</b> 15:13 17:2,21 18:9  19:6 20:23 21:4  30:12  <b>paying</b> 15:16 18:17  48:20 50:23 67:22  <b>pending</b> 20:17,19  <b>people</b> 39:16,17,18  46:23 47:1 82:11,16</p>	<p><b>pepper</b> 60:21,23  <b>person</b> 36:14  <b>phone</b> 50:5  <b>Photograph</b> 2:22  <b>pick</b> 29:23  <b>picked</b> 77:15,17,20  <b>picture</b> 59:22 73:11,15  73:21 74:8,21  <b>pictures</b> 73:10,18  <b>Pilgrim</b> 14:15  <b>pistol</b> 33:6  <b>place</b> 18:1 19:13  <b>placed</b> 75:10  <b>Plaintiff</b> 1:6 2:2 88:13  <b>plates</b> 38:13  <b>play</b> 32:20  <b>please</b> 4:11,15 59:15  <b>pocket</b> 32:13 82:8  <b>point</b> 33:15 36:23 41:1  42:2,16,21 47:4 52:9  55:12 56:6 57:5  67:23 70:9 71:14  75:9 78:6  <b>Pointe</b> 1:19 2:10  <b>pointed</b> 30:9 55:8,18  57:3 66:21  <b>pointing</b> 30:4,6 33:20  33:20 36:17,21,22  37:23 41:21 50:22  51:1 55:19 57:7,10  66:6,23 67:5 72:20  <b>police</b> 16:3,3 17:17  34:8 47:5,6,16,18,18  49:3,5,12 50:3 61:6  61:11,13 71:13,20  76:16,21 77:3 78:23  79:2 85:4  <b>positive</b> 20:13,18 35:8  43:16 50:1,13 53:1  56:9 58:7 59:21 60:2  62:21 63:4,10 66:8  67:1 68:14 70:20  74:1  <b>preparing</b> 6:15  <b>present</b> 2:12 23:14  <b>pressed</b> 85:10  <b>pretty</b> 27:23 28:2 47:20  <b>prevent</b> 37:13  <b>previously</b> 26:15 28:8  <b>prior</b> 35:11,18,20 43:5  <b>probably</b> 13:2 18:2  24:5 25:22 45:11  47:21 49:10 61:9  72:12,13 73:8 78:18  79:5 87:3,5  <b>problems</b> 39:13  <b>Procedure</b> 3:5  <b>process</b> 68:22  <b>pronounced</b> 4:17</p>
---	---	--	--	---



<p>provided 3:14,21 pull 33:21 36:18 55:15 55:20 70:7 pulled 33:5,18 54:3 55:13 61:12,15,18,21 71:1 77:14 78:23,23 pulling 33:11 46:23 70:1 pulls 35:23 purpose 3:14 pursuant 1:16 3:4 push 65:14 pushed 53:6 65:6,9 pushing 66:1 put 12:16 16:21 18:21 20:22 21:6 27:22 28:3 47:3 49:4,6,7,9 53:3 56:15,17,19 57:17 59:16 63:12 66:11,12,18,18 68:19 68:20 69:2,5 70:13 70:13,18 76:18,20,22 76:23 77:2,4,7,18 79:10,17 81:8 82:3 82:12 puts 57:15 58:1 putting 79:1,7 P.C 2:9 p.m 1:21 87:16 P.O 2:10</p> <hr/> <p><b>Q</b></p> <p>question 3:11 5:8,21,22 6:3,4 questions 3:10 81:14 83:18 84:5 Quincy's 8:11,12,17 quite 52:9</p> <hr/> <p><b>R</b></p> <p>radio 37:15 46:3,5 70:9 80:8,9 ramming 85:18 ran 42:7,10,13 43:8 reach 62:19 75:15 reading 89:4 really 11:11 21:10 24:11 31:13 35:4 41:10 48:20 50:23 73:20 rear 39:3 reason 6:7 22:13 recall 55:10 recess 86:7 recognize 47:15 75:6 86:2 recollection 22:10 25:11 record 4:12 21:14</p>	<p>59:17 regardless 3:21 regular 34:5 37:6,7 38:15 related 13:18,20 relatives 14:7 remember 15:22 16:19 17:9 22:16 26:23 28:1 33:11 37:11 38:5 71:15 73:20 82:21 remind 5:20 rephrase 5:23 reported 88:6 reporter 1:17 3:7 4:23 88:5 89:13 <b>REPORTER'S</b> 88:1 representing 3:3,17 reserved 3:12 resisting 70:2 response 9:16 20:13,18 35:8 39:8 43:16 45:19 50:1,13 52:14 53:1,15 56:9 58:7 59:21 60:2 62:21 63:4,10 66:8 67:1 68:14 69:6 70:20 74:1 rest 53:14 54:12 72:9 result 18:18 53:19 results 89:8 Richard 1:5 2:12 23:17 24:16,18 26:13,16 27:11,18,20 30:14,21 31:1,7 32:2 36:11 37:3,9,13 38:22 40:12 41:7,23 42:16 47:5,22 48:9 50:7 51:2 52:18 53:22 55:3 57:6,12,15 58:1 58:22 59:2 61:2 63:7 64:15 65:2,5 66:7 69:20 70:2,11,22 73:5,7 74:8 75:9 76:3 76:5,8 77:1 81:20 82:17,19 85:8,13 86:9 88:12 Richard's 26:11,17,21 27:3 28:21,23 29:18 37:20 45:12 52:2 53:12 62:15 67:2 74:18,21 77:9 79:7 79:11,13 81:22 ride 81:15 84:20 rides 48:14 riding 48:15,18,21 right 5:8,12,17,18 6:1 6:13,14 7:9 8:4,8 11:18 12:13 14:8</p>	<p>16:17 18:18 22:2 23:20 25:13 26:7 28:15,21,23 29:6 30:14 31:17 33:3 35:7,23 36:16,17 38:22 40:5 41:3,8,13 42:4,12 43:15,22 44:2,14 45:18 47:4 48:13,19 49:21,23 50:3,18 52:8 54:3,15 54:19 57:5,9,13,15 58:13,15 59:9,14,15 59:18,20 62:20,22 63:3 65:3,17,18 67:3 69:14 70:16,19 73:21 74:8 77:5 78:12 81:2 82:12 87:7 right-hand 42:4 road 9:23 10:13 11:4 11:23 13:12 33:8,10 33:21 37:1 38:18 39:23 40:1 43:23 45:6,22 46:16 47:9 47:14 48:7 51:6,7,11 51:21 53:20 70:7,15 72:10 77:13,15 78:14 80:5 85:18,22 rob 36:7 39:10,10,18 robbed 39:16 47:23 48:3 robbing 47:20 rode 42:6 room 5:3 81:13,18 83:12 84:9 85:6 Rosa 14:17 round 59:3,8,13 rules 3:5 5:5 ruling 3:12 running 47:13</p> <hr/> <p><b>S</b></p> <p>SAITH 87:19 same 3:22 9:14 14:5 33:8 42:19,20 45:11 71:2 86:20 87:2 sat 71:5,11,19 72:7,12 saw 30:17 33:13 34:4 35:19 46:6 47:19 49:5,8 69:21 85:21 saying 7:6 47:12 61:17 64:3 says 5:2 27:20 49:20,22 scared 41:10 48:22 school 10:2,16,18 11:1 search 75:18,20 76:3 searched 75:22 76:5 seat 27:14 28:2,4 29:15 29:18 50:10,17,18 62:14,18 63:2 70:23</p>	<p>71:3 second 17:6 43:1,3 44:14,17,22,23 45:7 45:9,13,16,23 57:19 seconds 44:19 46:15 58:11 61:9 65:3 see 7:5 29:2,5 30:14 31:12,16,19 32:2,5,8 32:10 33:15 35:9 38:12,16 44:1,5 46:11,21,22 48:7,9 48:12 49:14 52:22 54:5,10 55:11 58:16 58:18 59:2 60:10 69:12,19 71:10,12 73:17 76:3,7,12 77:17 81:20 85:7 86:23 87:1 seeing 32:19 seen 30:1,23 31:3 36:5 40:21 60:17 72:15 76:9 83:10 85:23 separated 87:6 September 8:3 set 89:4 Seven 8:11,13,17 shakes 5:15 Shirley 85:3 shirt 61:15,19 shirts 55:14,16,21 61:13 shoot 61:23 Shorter 8:11 shorthand 3:7 25:13 88:4 shot 39:12 52:7 54:15 55:2 57:21 58:3,5,10 58:12 59:1 61:4,7,8,8 61:18 62:2,3 75:13 shoulders 41:17 show 26:15 28:8 32:14 49:13,15 51:23 59:11 73:14 74:10,13,20 showed 74:4 76:16,21 showing 59:15 shrugging 41:17 shut 69:23 70:8 82:11 side 27:13 30:5 33:5,12 33:21 34:1,3,7 36:23 39:4,21 51:21 53:6,7 54:3 56:15 57:4 59:4 62:8,19,22 63:3 64:12,13,14 65:6 66:2 67:15,15,18,20 68:2,9,21 69:1 70:19 73:1 75:23 77:11,15 80:5 85:21 Sidney 10:19 sign 40:9,18</p>	<p>signature 4:2 signing 89:4 Silver 9:21 Silver's 10:4 since 10:3 21:9 34:6 35:14 83:10 sir 4:12 16:13 18:21 34:20 64:8 sit 69:11 76:10 79:2 86:14 sitting 7:9 19:9 70:18 70:21 73:22 76:15 78:10 six 12:2 14:4 skipping 57:20 slim 34:15 slow 54:17 slowed 40:13 slower 42:19 smoking 19:19,20 20:14 21:17 Snatched 67:9 snatching 57:18 76:9 social 14:22 sold 31:9,10 some 32:16 38:20 56:6 57:22 71:14 73:10 82:8 somebody 36:6 39:10 47:20 83:6 Someone 82:23 something 9:5 13:3 22:4 24:13 25:14 35:4 36:7 40:10 46:4 46:6 47:2 48:9 57:20 72:20 77:16 84:11 87:4 sometime 17:13 18:3 19:16 somewhere 57:22 59:14 soon 72:9 75:12 sorry 5:3 9:2 37:9 49:4 South 2:5 speak 4:7 6:16,18 88:9 specifically 16:5 sped 37:8 38:22,23 speed 42:19,20 45:12 speeded 37:5,7 speeding 16:14 17:8 18:12,13,16 spell 4:14 Spend 17:19 spent 24:19 spinning 52:4,16,19 spoke 7:14 spray 60:21,23 spun 51:9,18 54:2 stand 69:1</p>
---	--	--	--	--



standing 56:13 57:9 start 9:9 47:10 64:15 started 9:6 10:5 47:7 57:17 63:18 65:1 67:9 80:17 81:13 Starting 49:23 state 1:18 3:8 4:11 88:2 88:5 89:14 statement 48:23 50:2 84:7,19 85:7 STATES 1:1 88:19 station 79:7 Statute 3:15,21 stay 12:17 16:23 stayed 20:11 79:19 staying 11:12 12:21 stepped 58:14 59:10 Steven 23:7,8 Steven's 23:10,12 stick 5:4 still 20:16,19 42:7 45:17 50:18,22 56:23 58:6,22 66:19,23 70:9 79:13 81:2 86:20 stipulated 3:2,16,23 stipulation 1:16 14:6 STIPULATIONS 3:1 Stone 11:21 12:1,3,8 stood 38:12 stop 12:4,15 27:8 40:9 40:12,16 51:2 54:13 stopped 9:3,7,8 15:14 52:6 58:4 71:16 stopping 47:2 85:23 stops 81:4,6 store 32:15 71:16 78:14 78:15,22 80:14 straight 25:15 street 2:5 11:10 12:12 stuff 21:7 67:10 70:1 82:3 86:8,12 sued 15:3,5 suffer 53:18 suit 83:21 84:16 sure 11:11 22:9,15 23:13 24:11 27:23 28:2,3 33:10 45:5,21 47:17,20 62:3 suspended 18:9,10,15 19:5 swerved 43:21,22 44:9 Swishers 28:17 sworn 4:6 88:9	54:17 64:23 72:4 73:10 75:17 76:1,7 76:12 79:4,23 80:13 81:7 85:4 86:6 taken 1:15 3:4,6 81:18 85:6 86:7 taking 4:23 23:20,21 26:1 73:17 talk 7:4,18 41:7 80:9 83:17 84:16 talking 13:1 15:11,12 26:2 36:3 43:14 46:7 46:9,18 47:7,19 48:17 55:6 57:5 73:18 tall 34:14 Taser 60:15,19 tell 39:9 41:15 44:20 45:9 47:4 49:12 61:20 74:16 84:12 telling 15:18 27:22 33:21 36:18 38:1 61:2 63:21 66:4 67:6 69:23 70:4 83:13 ten 24:13 terminated 10:7,8 testified 4:8 testimony 7:18 their 37:17,20 55:13,15 55:18,20,20,20,23 57:7 61:12,12,15,15 64:17,19 65:1 72:5,7 themselves 61:6,10 thereof 89:8 thing 5:6 47:7 54:18 58:2 things 5:10 86:20 87:2 think 6:9 9:4,10 12:16 16:9 17:8 18:8 19:14 20:15 21:3 34:23 35:2 36:16 38:7,10 40:3,3 46:5 47:6,18 60:12 70:13,23 71:4 72:7 84:10 87:12 third 47:10,11 48:6 51:5 52:23 53:2,13 though 20:6 23:5 28:13 28:14 31:11 35:7 40:16 48:12 49:13 55:1 70:16 76:13 thought 39:9 52:21 three 8:14 11:5 13:2 17:23 19:15 72:13 73:8 through 5:5,19 16:17 36:21 37:23 54:18 68:9 71:21,22 79:19 throw 48:9 ticket 16:7,8,9,11 17:8	18:12,13,16,17 tickets 15:10,12,13,16 16:14 17:2,21 21:13 time 3:11,12 9:14 12:4 12:14,20,23 13:14 14:13 15:19 16:12 17:19 18:5,23 24:4 24:11 25:9 27:6 30:17,23 31:3,18 33:3,13 35:12 40:20 42:12 43:1,3,9,11,15 44:8,14,16,16,17,22 44:23 45:1,3,3,7,13 45:13,16,23 46:17,21 47:12,13 48:5,6,16 48:17 49:3,5 52:23 53:2,13,13,14 57:6 58:4,8,8 63:7 67:23 70:16 71:18 72:14 80:6 times 15:9,10,15 21:10 21:11 61:23 tire 79:18,20 today 5:2,3 6:16 7:15 19:9 22:2 73:19 told 6:19,21 7:16 28:3 31:13,21 41:18 49:3 49:5 56:7,8,15,17 57:21 58:3,9 61:14 64:22 67:16,21 68:5 69:1 70:8 75:14 81:14 82:7,11,11 84:20 85:4 top 47:3 toward 30:5 towards 64:15 78:19 78:19,20 trade 11:1 traffic 12:4,15 40:9,19 transcript 89:2 transported 82:19 treated 21:18,21 trial 3:19 tried 63:20 Triple 8:11,12,17 Troy 12:13,13 true 89:2 truth 4:7,7,8 88:9,10 88:10 try 75:11,15 trying 36:7 39:8,10,11 39:18 43:22 52:20 turn 33:8 39:7 40:4 41:7 42:4,21 43:5,11 43:18,20 44:21 45:17 51:16,19 52:21 turned 39:23 40:1,7 41:8 42:12,19 43:13 45:4,6,21 46:2 48:5	51:9,15 TV 26:22 86:14 two 13:2 19:15 23:2,3 24:5 38:21 55:5 60:10 65:3,11 72:13 two-lane 38:19 <hr/> U Uh-huh 20:13,18 35:8 43:16 50:1,13 53:1 56:9 58:7 59:21 60:2 62:21 63:4,10 66:8 67:1 68:14 70:20 74:1 uncle 8:23 9:12 under 74:17 understand 5:22 25:10 44:4 understood 6:4 uniform 83:1,3 union 14:20 UNITED 1:1 88:19 unlike 5:11 unpaid 16:7,8 17:8 until 5:7 8:22 9:1,3 41:8 42:13 45:16 46:22 48:6 55:1 56:15,17 63:18 75:13 79:3,19 urging 41:12 use 25:12 65:14 used 3:13,20 86:14 87:2 using 36:22 usually 30:21 49:10 <hr/> V vehicle 38:16 very 5:14 view 39:3,21 vs 1:7 88:14 <hr/> W wait 5:7 waiting 32:18 waived 3:19 4:3 89:5 waiving 3:22 walk 54:17 walked 57:4 67:15,19 want 81:16 wanted 7:4 Warrants 16:7 wasn't 11:13 20:4,5 27:20 30:2 33:9 34:14,16 35:4 38:11 39:5 45:5,21 47:17 48:20 50:20,23 58:17 63:1 70:4 71:2,17 72:2 73:9 82:4,7 85:3	watch 26:22 31:15 39:2 86:14 watching 22:23 23:1 39:5,21 57:1 way 26:10 30:6 40:4 51:11 59:22 70:2 74:5 weapon 66:5 wearing 27:16,18 83:1 Webb 1:19 2:9 Wednesday 1:20 88:23 week 26:23 weeks 8:14 well 12:22 37:18 39:17 41:20 48:15 74:4 80:17 went 7:4 12:17 14:13 20:20 31:14 46:16 51:6,20 were 8:6 9:2 12:3,7,14 12:19 15:19,23 16:20 17:15 18:21,23 22:16 22:21,21 23:3,20,21 25:23 26:1,20 27:3 27:12,16 28:17,19 32:7,10,15,17 35:9 36:9,11 38:18 41:12 42:6,22 43:22 44:2,5 44:6,20 46:14,23 47:2 53:9 54:2,7 55:11 56:14,21 57:1 57:3,10 58:16 59:2 59:15 61:16 62:15 65:3 67:22 69:18,18 70:21 71:19 75:3 76:15 78:6 80:10 81:10,17,20 82:17 83:13,15 84:8 85:6 85:10 West 1:8 2:7 35:17 66:13 71:23 76:6 77:14 79:19 82:1,7 82:16 83:14 88:15 we'll 52:9 87:3 we're 5:5 16:17 22:1 32:16 52:9 57:19 we've 4:22,22 73:18 74:4 while 18:8 19:4 25:23 42:6,21 49:11 50:10 50:15 52:4,15,19 56:21 62:12 65:23 69:20 70:21 78:10 80:10 84:8 White 34:18 83:22 86:17 whole 4:7 54:18 88:10 Wilcox 78:19 Wilford 2:8,17 4:10
--	--	---	--	--

14:5 21:14 86:6	<b>1</b>			
87:12	1:55 1:21			
window 36:21 37:18,19	10 13:17 80:2,15			
37:20,20 48:10,12	11 74:10			
49:6,7,9,20 68:11	13 2:22 73:12,14			
windows 37:18	13th 89:9			
witness 4:1,2,6 5:9 14:6	14 1:21 88:23			
19:21 37:22 43:4	150 20:15			
44:11 53:11 56:1	1980 8:3			
89:3				
witnessed 85:14,18	<b>2</b>			
wondering 41:11	2 26:16 59:11,12			
Woodley 11:23	2:06-cv-701-ID.CSC			
word 5:1	1:7 88:22			
work 8:8,10,17,19,21	20 83:16			
9:14,20 10:1	2000 15:22,23 16:16			
worked 8:20 9:12 10:2	17:11			
83:4,6	2005 22:8,14			
working 8:23 9:2,3	2007 1:21 88:23 89:9			
10:5	21 22:4 33:9 40:3 41:4			
wouldn't 47:21	41:9 42:5,13,22 48:5			
wound 52:2	240909 2:10			
write 84:11	25th 8:3			
	27 8:4			
<b>Y</b>	28th 22:8,14 25:10,12			
yeah 17:14 20:15 21:12	<b>3</b>			
28:16 33:14 36:2	3 28:9 29:3,5,16,19			
51:22 53:6 55:13	3:25 87:16			
57:2 58:23 61:7	30 58:11 76:17 79:5			
62:23 63:23 67:3	81:19			
75:8 79:12	3468 10:15			
year 11:14,16 17:12,12	36104 2:5			
18:2 87:5	36124 2:11			
years 8:22				
yell 42:2	<b>4</b>			
yellow 40:11	4 2:17 74:20			
yield 40:13,18	45 76:17 81:19			
Youngblood 13:12				
y'all 7:14 22:21 24:23	<b>6</b>			
25:2,4,9,18 27:3,8	6 49:14 50:3 84:8			
41:7 54:2 77:7 80:5				
80:10 83:17 85:21	<b>7</b>			
86:13,20 87:2,6	73 2:22			
	7475 1:19 2:10			
<b>\$</b>				
\$15 74:15	<b>8</b>			
\$400 21:3	8 52:1 54:6,10 69:12			
	73:23			
<b>#</b>	847 2:5			
#66 1:17 89:12	87 89:1			
<b>0</b>	<b>9</b>			
01 9:10	9 74:13			
02 9:10	9-30-2008 89:13			
03 17:13	98 10:3 38:10			
04 18:3,19	99 10:21 38:10			
05 9:4				
06 9:4 11:17				
07 19:16				





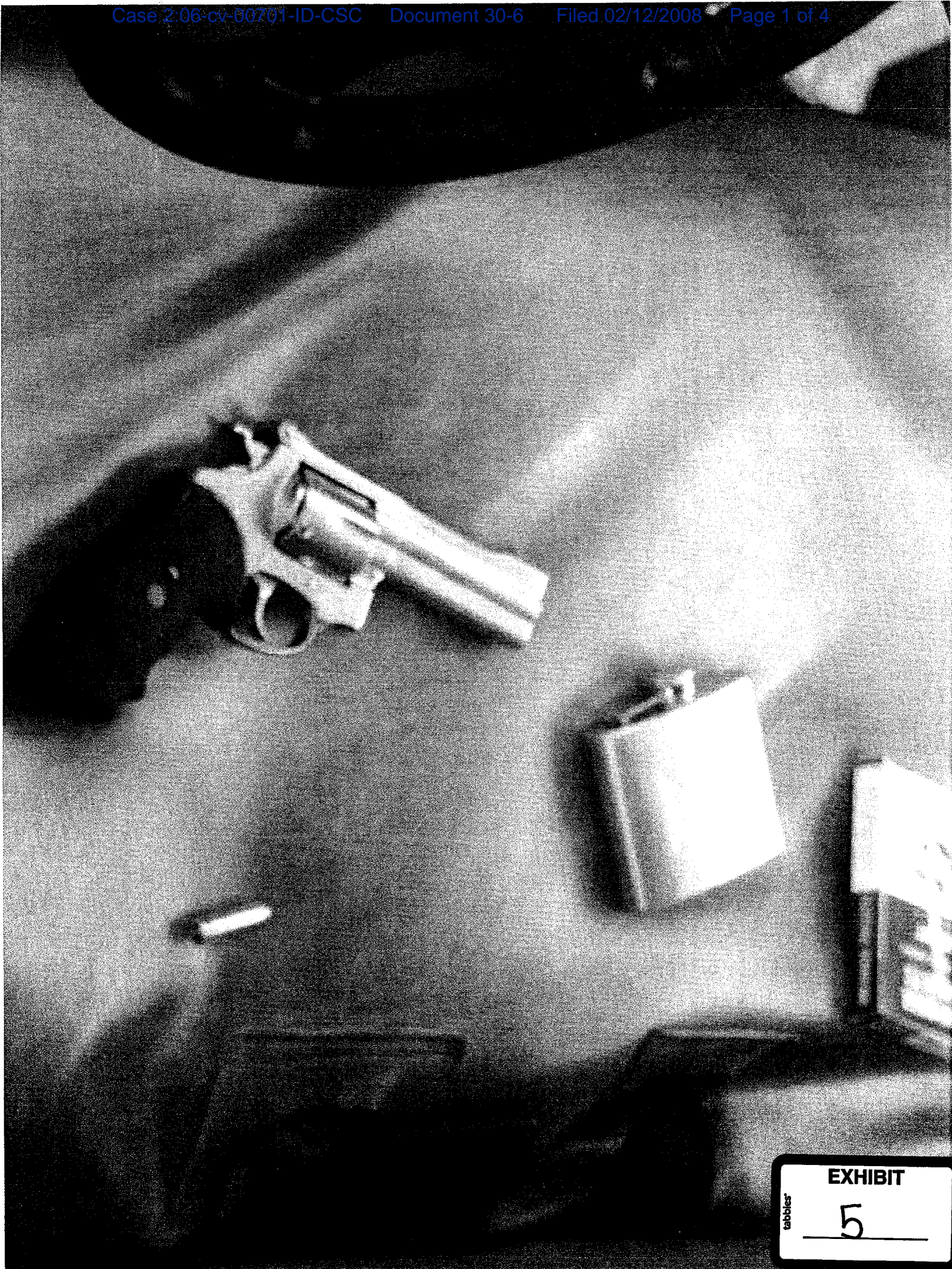
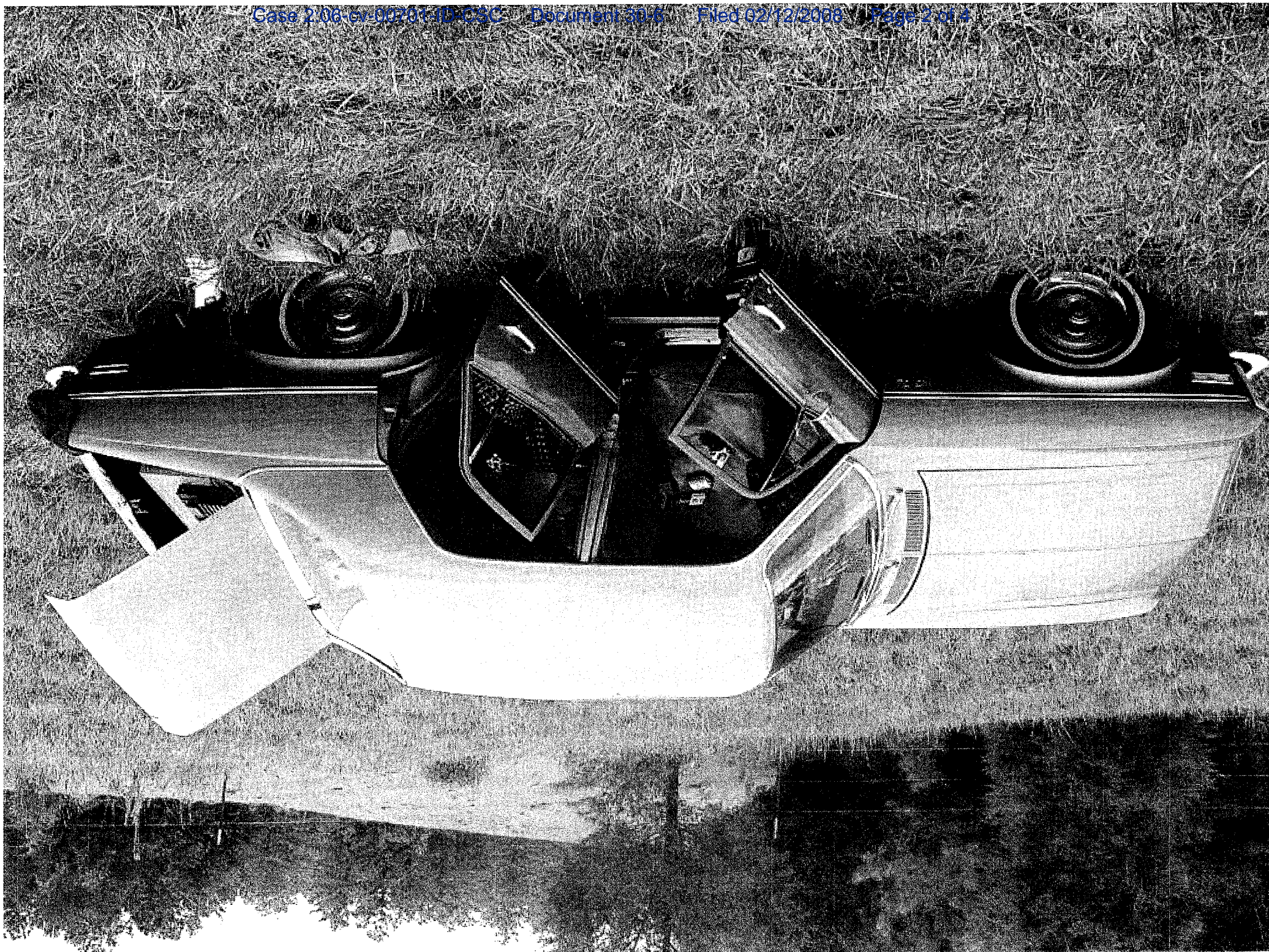


EXHIBIT  
5





























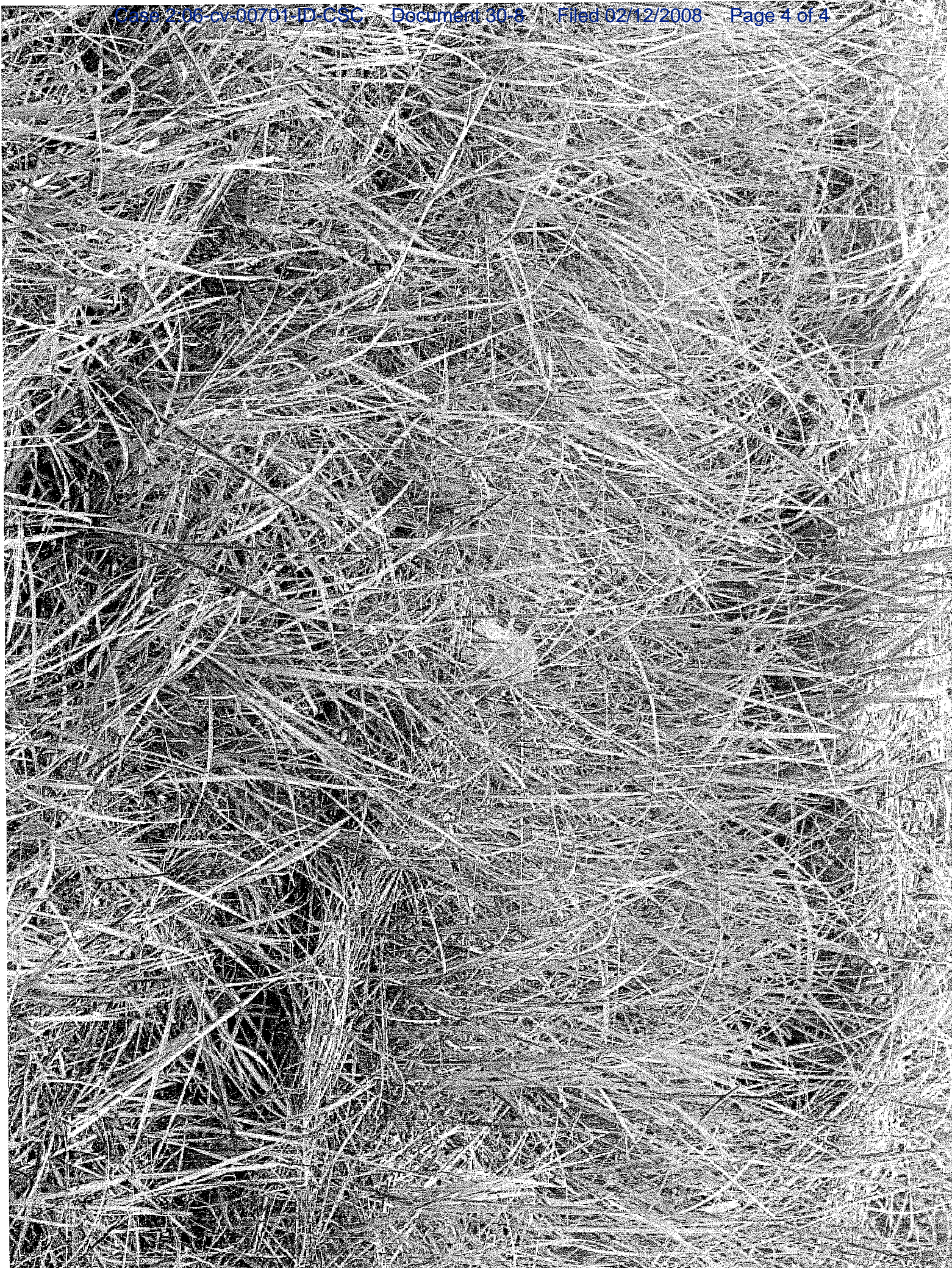














SEP-30-2005 10:25 FROM: ADECA LETS DIV.

334-242-0712

TO: 3343356401

P.002/003

## 2<sup>nd</sup> Judicial Circuit Drug Task Force Inter-Agency Agreement

This agreement is made and executed on this the 15<sup>th</sup> day of September, 2004 between the following parties:

2<sup>nd</sup> Judicial District Attorneys Office  
Greenville Police Department  
Luverne Police Department  
Hayneville Police Department  
Lowndes County Sheriffs Department

### PURPOSE

The purpose of this document is to describe and define the agreement among the above listed agencies concerning the establishment and operation of the 2<sup>nd</sup> Judicial Drug Task Force.

The agencies above realize the advantages to be obtained by combating illegal drug distribution and usage through a unified cooperative effort Drug Task Force. The concept is intended to coordinate a program designed to enhance the efforts of all of the participating agencies to decrease the amount of illegal drug activity and possibly alleviate the presence of associated violent crime.

### AGREEMENT

The above listed law enforcement agencies have united in their battle against illegal drug distribution and usage and the resulting violent crimes that have become a result of such within the 2<sup>nd</sup> Judicial Circuit consisting of Butler, Crenshaw and Lowndes Counties. Therefore, they have come together to form the 2<sup>nd</sup> Judicial Drug Task Force. The Drug Task Force shall work in conjunction with all agencies within this circuit to ensure a consistent network of information is shared between itself and those agencies.

### DRUG TASK FORCE MEMBERS

Drug Task Force Members are those Agents and support staff that conduct day to day operations of the Drug Task Force. Each participating agency is responsible for twenty-five percent (25%) of their personnel's salary and fringe benefits. Also each participating agency will be responsible for twenty-five percent (25%) of the operating expenses, travel and equipment if equipment is purchased. Each agency is required to maintain insurance on their Agents work vehicle.

### DISTRIBUTION OF ASSETS

Assets received through seizure and forfeiture shall be reported as project income and be used for the advancement of the Drug Task Force. Any assets condemned to the Drug Task Force shall be divided as follows:

EXHIBIT

tabbles

6



SEP-30-2005 10:25 FROM: ADECA LETS DIV.

334-242-0712

TO: 3343356401

P.003/003

1. In condemnations involving assets of four thousand dollars (\$4,000.00) or less shall go into a fund for the Drug Task Force. There will be two funds established. A State fund for State cases and a Federal fund for Federal cases. The State account will be used to purchase evidence, pay informants and purchase equipment with the approval of the Board of Directors.
2. In condemnations involving five thousand dollars (\$5,000.00) or more the asset will be divided evenly among all participating agencies with the exception of the District Attorneys Office unless otherwise decided by the Board of Directors.
3. In the condemnation of vehicles, land, homes and other articles, unless otherwise requested the item at question will be condemned in the name of the 2<sup>nd</sup> Judicial Drug Task Force. At the Drug Task Force Commanders discretion these items shall be used by the Drug Task Force, or allowed for temporary use to a participating agency. To transfer a vehicle to a participating agency will require the approval of the Board of Directors.

#### DISSOLUTION OF DRUG TASK FORCE

Should the Drug Task Force be dissolved the Drug Task Force Commander shall provide to the Board of Directors a list of all articles to be disposed of and their value, the source of the article and the Agent involved if it's a seizure. If the item is equipment purchased through the grant, a list of amounts contributed by each participating agency will be provided to the Board of Directors also. The Board of Directors will decide on how each item shall be divided.

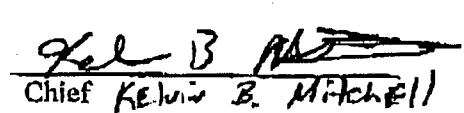
#### WITHDRAWAL FROM DRUG TASK FORCE

Any agency may withdraw from participation with the Drug Task Force at anytime. Should any agency withdraw from the Drug Task Force, the agency shall not be entitled to any condemned funds, vehicles, equipment or article of property seized or purchased by the Drug Task Force. Should an agency become involuntarily removed from participation that agency shall not be entitled to any condemned funds, vehicles, equipment or article of property seized or purchased by the Drug Task Force. However, the Chief Law Enforcement Officer of the withdrawing agency may specifically request, in writing to the Board of Directors for any articles or vehicles seized by his or her agency. This decision will be made by the Board of Directors.

  
District Attorney John Andrews

  
Chief Lonzo Ingram

  
Chief Bob Davis

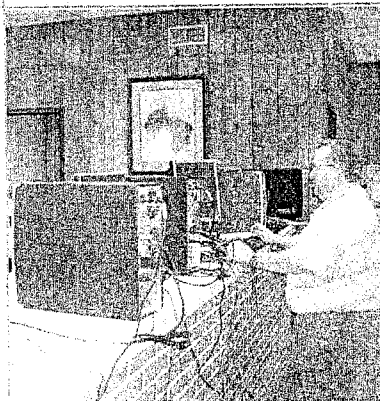
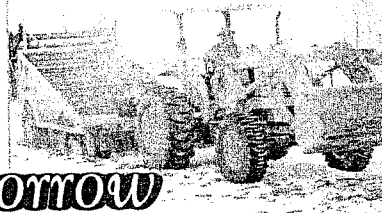
  
Chief Kelvin B. Mitchell

  
Sheriff Willie Vaughner

# ADECA 2005-2006 Annual Report



*Help for Today  
... Hope for Tomorrow*



*Alabama Department of Economic  
and Community Affairs*

EXHIBIT

7

tabbies



**401 Adams Avenue  
P.O. Box 5690  
Montgomery, Alabama 36103-5690  
(334) 242-5100  
[www.adeca.alabama.gov](http://www.adeca.alabama.gov)**



# Help for Today ... Hope for Tomorrow

## Table of Contents

A Message from Governor Bob Riley	iii
ADECA Provides Help for Today's Helpless Victims	iv
ADECA Organizational Chart	v
ADECA Legislative Oversight Committee	vi
Community and Economic Development Programs	1
Office of Workforce Development	3
Office of Water Resources	5
Energy, Weatherization and Technology	7
Surplus Property	9
ADECA Staff Photo	10/11
Program Integrity	12
Audit	12
Law Enforcement and Traffic Safety	13
Appalachian Regional Commission	15
University's Resources and Economic Development	16
Recreational Programs	18
Local Section	19
Human Resources	19
Information Services	20
Financial Services	21
Communications and Information	22
Local Funding Sources	23
Local Receipts and Disbursements	24/25
Local Connected to ADECA Services	26



OFFICE OF THE GOVERNOR

**Bob Riley**  
GOVERNOR



**State of Alabama**



Bob Riley  
Governor

### **A Message from Governor Bob Riley**

Alabama has come a long way over the past four years, and the Alabama Department of Economic and Community Affairs has played a major role.

Unemployment has fallen to historic low levels because of our success in attracting new businesses and helping existing industries to thrive and expand. ADECA economic development grants helped many small communities provide the infrastructure necessary to support this business growth.

Well-trained employees are critical to business success. With vital support from ADECA, our Office of Workforce Development became the top-rated program in the nation. ADECA also helped create a distance learning network that is giving Alabama children and adults unprecedented access to educational opportunities.

Alabama has become a safer place, thanks in part to ADECA programs that support multi-jurisdictional drug task forces and other law enforcement initiatives.

In the future, I expect ADECA to play an even greater role in moving Alabama forward in the areas of economic growth, public safety and quality of life.

ADECA's traffic safety programs will be a cornerstone of the Safe Roads Initiative, part of our Plan 2010 vision for Alabama. Other law enforcement programs administered by the department will support our plans to reform the state's corrections system.

The last few years have underscored the importance of disaster preparedness and ADECA will assist with the disaster recovery steps outlined in Plan 2010.

ADECA also will continue to make major contributions to the quality of life in Alabama: by helping communities build and expand parks, trails and other recreational facilities; by safeguarding our water resources; and by supporting the development and distribution of alternative fuels that will reduce our dependence on foreign energy supplies.

With its wide range of indispensable programs, ADECA will continue to give Alabamians help for today and hope for tomorrow.

Sincerely,

A handwritten signature of Bob Riley in black ink.

Bob Riley  
Governor



OFFICE OF THE GOVERNOR

**BOB RILEY**  
GOVERNOR



STATE OF ALABAMA

ALABAMA DEPARTMENT OF ECONOMIC  
AND COMMUNITY AFFAIRS



**Bill JOHNSON**  
DIRECTOR

### **ADECA Provides Help for Today, Hope for Tomorrow**

State government exists to serve the people. As part of our mission to build stronger and better Alabama communities, the staff of the Alabama Department of Economic and Community Affairs provides services and administers hundreds of grants that help Alabamians improve their lives.

This annual report focuses on a small sample of ADECA programs that assisted people throughout the state in fiscal year 2006. In the report, you will find the stories of real citizens who have directly benefited from ADECA programs and services, people who have found new careers or regained hope for brighter futures as a result of assistance from one of ADECA's divisions.

Whether through funding a community's first public park, helping the poor pay heating bills, providing Community Development Block Grants to help communities rebuild from Hurricane Katrina, supporting an emergency shelter for domestic violence victims or providing other assistance, ADECA programs and services significantly improve the quality of life for Alabama residents.

ADECA's professional staff is dedicated to administering our programs efficiently and distributing resources around the state where they will do the most good. I am grateful to the entire staff for their hard work and especially to Assistant Director Doni Ingram who guided ADECA as its acting director for four months during my leave of absence.



ADECA  
Assistant Director  
Doni M. Ingram

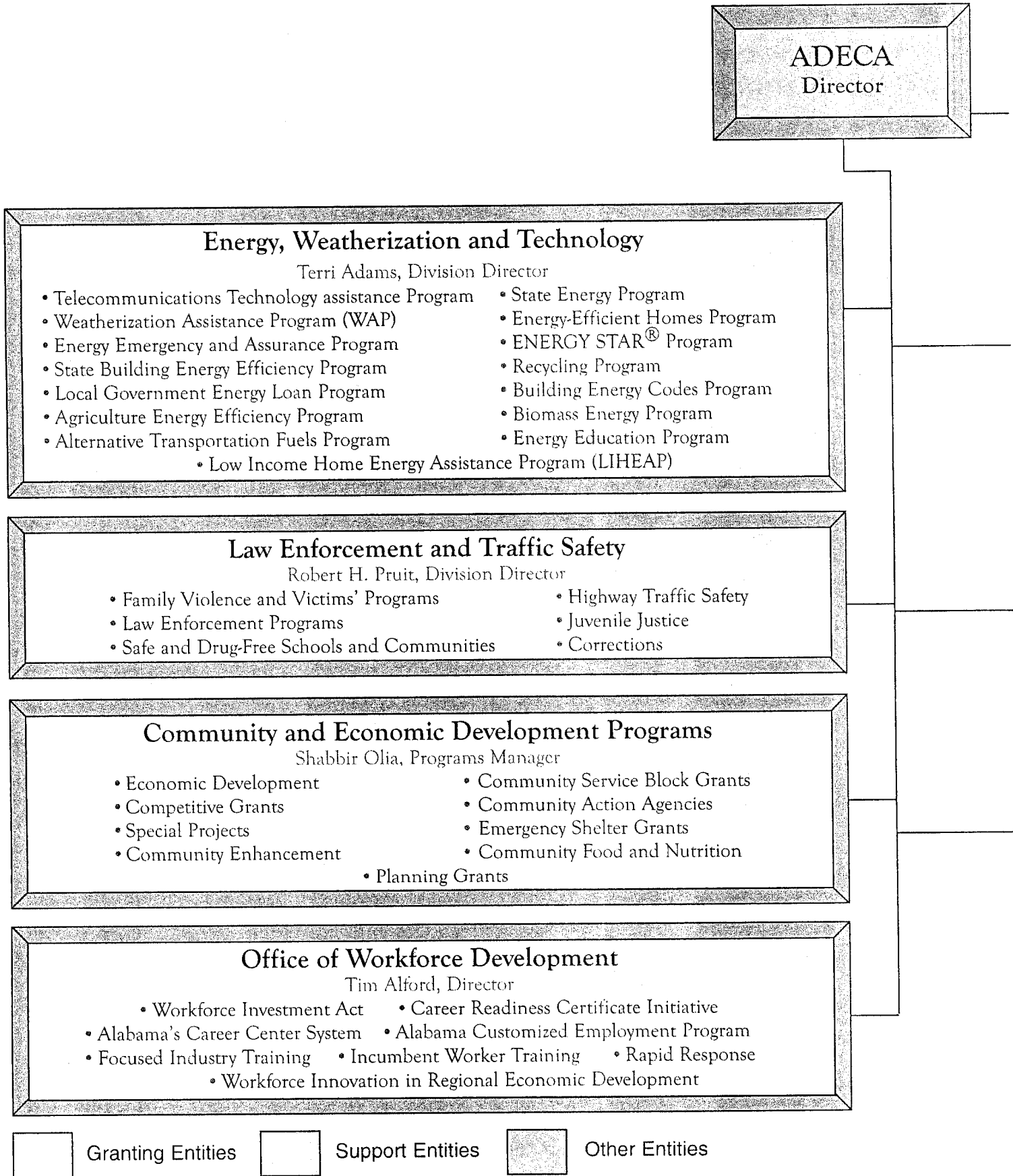
Finally, I would like to thank Governor Riley not only for his leadership of our state, but also for entrusting me with the responsibility of directing an agency that does so much to improve the quality of life for all Alabamians. During the coming year I look forward to working with ADECA staff and community leaders to continue giving Alabamians help for today and hope for tomorrow.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Johnson".







Organizational Chart as of  
September 30, 2006

**Governor's Resources and  
Economic Assistance Programs**

Bea Forniss, Programs Manager

- Renewal Communities
- Enterprise Communities
- Delta Regional Authority
- Gulf Opportunity Zone Credit Program
- Minority Business Enterprises
- Community and Economic Development Technical Assistance
- Alabama Enterprise Zones

**Recreational Programs**

Jon Strickland, Programs Manager

- Land & Water Conservation Fund
- Recreational Trail Program

**Appalachian  
Regional Commission**

Bonnie Durham, Program Manager

- Appalachian Regional Development
- Appalachian Research, Technical Assistance and Demonstration Projects
- Appalachian Area Development

**Office of Water Resources**

Eddie Davis, Acting Director

- Floodplain Management
- Geographic Information System Program
- Interstate Support Program
- Alabama Water Resources Commission
- Water Management Program

**Human  
Resources**Ramona Carroll  
Manager**Program  
Integrity**Paula Murphy  
Manager**Legal**Eddie Davis  
Legal Counsel**Audit**Wendy Spivey  
Audit Manager**Communications and Information**

Larry Childers, Division Director

- Public Information
- Graphic Arts
- Census Bureau Liaison
- Legislation
- Charitable Campaigns

**Financial Services**

Tammy Rolling, Accounting Director

- Fiscal Section
- Property Management
- Payroll

**Information Services**

Scott Randolph, Manager

- PC Support
- Telecommunications
- Operations
- Programming

**Surplus Property**

Shane Bailey, Division Director

- State and Federal Property Collection
- Transfers to Governments, Non-profits
- Public Auctions

## Legislative Oversight Commission 2005-2006

The Legislative Oversight Commission was a part of the 1983 Act which created the Alabama Department of Economic and Community Affairs—Act 83-194. The commission is composed of the Chairman and Deputy Chairman of the Senate Committee on Finance and Taxation, three members of the Senate appointed by the Lieutenant Governor, the Chairman and Vice Chairman of the House Ways and Means Committee and three members of the House of Representatives appointed by the Speaker of the House.

### House



Chairperson  
Neal Morrison



John Knight



Tommy Carter



Thad McClammy



Jack Page

### Senate



Hank Sanders



Roger Bedford



Phil Poole



Bobby Denton



Zeb Little



## Community and Economic Development Programs

### MISSION

To distribute block grant funds through an effective and efficient means to promote the development of economically viable communities and a suitable living environment by creating sound and adequate public facilities, utilities, infrastructure, housing and job opportunities.

#### Programs Administered

- Economic Development Grants
- Competitive Grants
- Planning Grants
- Community Enhancement Grants
- Community Service Block Grants
- Community Action Agencies
- Emergency Shelter Grants
- Community Food and Nutrition

### Seniors Benefit from Talladega Springs Grant to Revive Former Masonic Lodge Building

The purported healing waters brought in flocks of people and commerce to the town of Talladega Springs in the early 1900s, but the sulfur springs could provide no remedy to revive the town which began to decline after a disease epidemic in the early 1930s.

Town officials, determined not to go down without a fight, are making efforts to rejuvenate the community. Recently they applied for a Community Development Block Grant to resurrect a former Masonic lodge into an activity center for senior citizens. Asking for the \$57,456 grant was a bold step because it required the town to dig deep into its shallow pockets for \$6,340 in local funding. To raise money, the 124 residents of Talladega Springs held special fundraisers and volunteers agreed to provide some of the labor and materials for the renovation.

"I was skeptical about it," said former Councilwoman Ann Shaw. "I never thought it would go over (because so few people live in the community)."

But when the center opened in March 2005, Shaw saw the beginning of something she never expected.

"It has grown by leaps and

bounds, and it's not just people in the community who are coming," said Shaw. "We reach out a good 10 miles to other areas. It has really helped blend the communities."

Faye Butler said the center, which provides meals, fellowship and activities for seniors, has "been a blessing" for her and others who regularly attend center activities. Butler, a recent transplant to the area, said the center has served to introduce her to people in the community.

"The community has just come closer together because of this," she said. "We just get together, enjoy the company and cheer each other up. It's been wonderful."



Director Nancy Mitchell said the senior center started off slowly, but that is quickly changing.

Before the center was started, senior citizens had to go to Sylacauga or Childersburg to receive services, including nutritional weekday lunches.

Director Nancy Mitchell said the senior center started off slowly, but that is quickly changing.

"We have more and more people join us each month," said Mitchell.

A van donated by the Talladega County Commission has enabled the center to conduct regular field trips, said Mitchell's husband, Frank Mitchell, who is also the town's mayor.

Frank Mitchell said the grant enabled

the town to install a kitchen, windows and a porch on the 2,700-square-foot building.

"There's no doubt, it is one of our more successful projects," said Ellen Austin, director of the East Alabama Planning and Development Commission, which submitted the grant application for the town. "We are just so glad we were able to help with the project."

The town once boasted several stores, a bank, a hotel and four trains a day when people throughout the South visited the area for its water and its offerings as a resort.

---

## Residents Get Safe, Reliable Water Thanks to Community Development Block Grant

It took a while for Cecil Kimbrell to acquire a taste for water treated with chlorine, but he is not complaining. It beats the alternative of having little or no water. Better yet, Kimbrell no longer has to be concerned that the water he or his family drinks will make them sick.

A Community Development Block Grant provided Kimbrell and about 100 other people

in the Fayette County community of Concord with a plentiful and safe supply of water by connecting them to a public water service.

Providing public water to rural communities is just one of the benefits stemming from the block grant program. Grants also have been awarded by Governor Riley to provide or improve sewer and drainage, build community and senior centers, provide infrastructure improvements to aid in the recruitment or expansion of businesses, resurface roads and build recreational facilities. The grants, designed to mainly benefit low- and moderate-income families and individuals, typically help fund large projects that counties, cities and towns could not undertake without reducing or cutting other vital services.

Public water for the Concord community was not just a desire, it was a necessity. Many residents depended on shallow wells or even above-ground springs as their main water supply. During dry summers they could never be certain if water coming from the spigots would be gushes or drips, pure or tinted or tainted with the harmful E. coli bacteria.

"My main problem was when the electricity went off you didn't have any water. It goes off approximately once a month and during the winter it's been off two to three weeks at a time," Kimbrell said. "But I guess I was lucky. I had good water most of the time, but some people around here never knew when they were going to run out of water whether it was the pump or something else."



*Community Development Block Grants have helped supply many areas in Alabama with plentiful and safe water.*

## Office of Workforce Development

### MISSION

To provide a market-driven system that delivers services to employers, employees and jobseekers using an innovative and comprehensive approach, which will provide employers with a prepared workforce to enhance the state's economic development and quality of life.

### Programs Administered

- Workforce Investment Act
- Alabama's Career Center System
- Alabama Customized Employment Program
- Workforce Innovation in Regional Economic Development
- Rapid Response
- Focused Industry Training
- Career Readiness Certificate Initiative
- Incumbent Worker Training

### OWD Program Prepares Workers for New Careers

When James Flowers hurt his leg, he knew his career as a carpenter was over. A father of three, and still in his prime at age 33, retirement was not an option. He had to take care of a family.

"I was at a crossroads in my life," Flowers said.

For 14 years the Valley resident earned his living as a carpenter, and his education had ended with the 10th grade. He not only needed to find a new career, he also needed the skills to get in the door. The Office of Workforce Development was there to help.

OWD created a new program in 2006 aimed at matching jobseekers with potential employers by certifying that workers possess the necessary skills for particular jobs. The Career Readiness Certificate benefits both workers and employers by increasing the chances that the right worker gets the right job.

"The certificate verifies that an individual can handle tasks needed by employers," said Sarah Horton, OWD's career readiness certification coordinator.

The certificate is awarded on three levels (gold, silver and bronze) based on scores achieved by workers who take a series of tests called Alabama WorkKeys. After completing requirements for his GED at Southern Union State Community College, Flowers

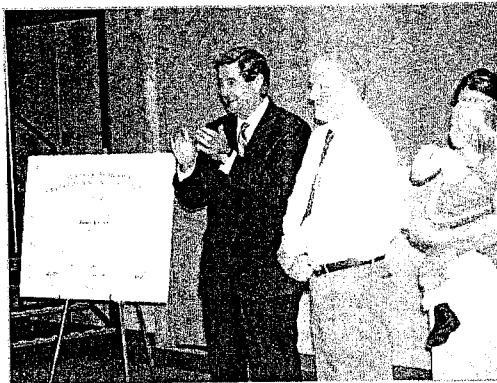
earned the state's first Career Readiness Certificate by passing the WorkKeys assessments on the gold level.

WorkKeys tests jobseekers' abilities in math, reading and locating information. Test results alert employers to workers who are qualified for openings and point out to workers what skills they may be lacking. For Flowers, the program has enabled him to start a whole new life, professionally speaking. He now works at a distribution center for a major retail company and has taken classes in business management.

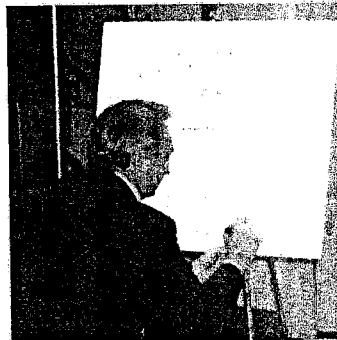
"I chose to further my education and it has paid off," said Flowers.

Governor Riley presented Flowers with his certificate saying that the program would take workforce development to a different level. "This initiative will help us maintain our status as the best workforce development state in the United States," Riley said.

The Office of Workforce Development was created in 2003 to consolidate the state's workforce programs. OWD strives to improve employment opportunities for Alabama residents through One-Stop Career Centers, job training and other programs. It is an independent office whose administrative duties are handled by ADECA.



**Governor Riley presents James Flowers with Alabama's first Career Readiness Certificate.**



**Dr. Tim Alford, director of the Office of Workforce Development, signs Flowers' certificate.**



## OWD Named Top Workforce Development Agency in Nation

OWD is committed to providing streamlined services and supporting programs to help Alabama workers and jobseekers obtain the job training and assistance they need. Those efforts to help Alabama workers have made the agency a model for workforce development programs nationwide.

Worldwide Interactive Network, a national publisher of workforce training materials, named OWD the top workforce development agency in the United States for 2006. OWD Director Dr. Tim Alford accepted the organization's Crystal Globe Award for outstanding state workforce development at the group's annual WorkKeys conference in May.

WIN President Teresa Chasteen cited OWD's improved coordination of all the state agencies involved in developing Alabama's workforce as well as its success in streamlining services and helping individuals with training and career choices as the main reasons why the agency received the honor.

"Dr. Alford and the state of Alabama have gotten the job done on all fronts, and every state should be looking at the workforce development model in Alabama," she said.

The award came with a \$1 million grant for a state-of-the-art interactive job training center. The center's focus will be on providing training in Alabama's high-growth advanced manufacturing industries.

Once open, the training center will be just the latest in a broad array of services offered by OWD to help Alabama workers. The state's Career Center system offers a one-stop place for jobseekers to get employment and job training information. Through Workforce Investment Act youth programs, troubled young adults can get their lives back on track by obtaining their GED and receiving training for a job in one of Alabama's high growth, high demand industries. The Rapid Response Team meets with recently laid-off workers to give them information about available state assistance and job training opportunities. Incumbent Worker Training grants help workers boost their earning potential and value to their company by providing training in the latest techniques in manufacturing and management.



*Worldwide Interactive Network recognized OWD's efforts to strengthen Alabama's workforce by naming it the best state workforce development agency in the nation for 2006.*

Dr. Alford said the partnership forged between state agencies has helped Alabama develop a stronger workforce.

"I'm proud of what we have accomplished," he said. "For the first time, we have a workforce system in the true meaning of the word, with all of our partner agencies working together to help Alabamians obtain the skills needed for employment."

## Office of Water Resources

### MISSION

To plan, coordinate, develop and manage Alabama's ground and surface water resources in a manner that is in the best interest of the state by recommending policies and legislation, conducting technical studies, implementing programs and projects and actively representing Alabama's intra- and interstate water resource interests.

### Programs Administered

- Floodplain Management Program
- Geographic Information System Program
- Water Management Program
- Interstate Support Program

## Groundwork by OWR Helps Residents Reduce Flood Damage

Alabamians tend to be drawn toward water. It's no wonder with so many lakes, rivers, streams, creeks and even a coastal area in the state. Growing up and living in Alabama, it would be hard not to appreciate and be captivated by the state's water resources.

Water has played a large role in the state's history, serving as the major mode of transportation for centuries. Water has been harnessed to produce energy, provide drinking water and offer recreational opportunities.

While water can be beckoning and inviting, it also possesses a power that must be respected and feared. Heavy rains can turn peaceful creeks and rivers into a destructive rage that damages property, causes injuries and takes lives.

Many programs managed by the Office of Water Resources Division ensure that Alabamians enjoy the water, but at least one program tries to safeguard residents against its destructive force.

In 2002 OWR assumed state management of the National Flood Insurance Program from the Alabama Emergency Management Agency. The program offers insurance at reasonable rates to homeowners and landowners provided they follow guidelines intended to reduce the risk of property damage.

As part of the program, OWR is charged with

developing and updating maps depicting flood-zone areas. The maps play a big role in the flood insurance program by pinpointing areas most likely to flood during heavy rains and storms.

"The mapping is an ongoing process," said OWR's Ken Meredith, who serves as the state coordinator for the National Flood Insurance Program. "As we continue to develop areas of the state, we have to redefine the flood areas. Even if there was no development, acts of nature by themselves are changing the landscape and the flood zones."

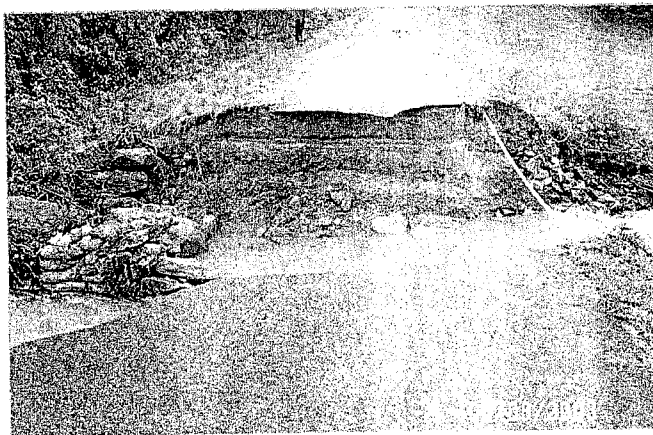
In Alabama, 361 counties, cities and towns have signed on to participate in the flood insurance program. The program has picked up 31 new communities since 2005.

Part of the participation agreement requires

local governments to ensure that landowners build structures above flood levels. That may require that structures be built on poles or stilts or on a manmade earthen pad at least a foot above the flood zone. Residents who live in areas where governments do not participate in the flood program are not eligible to purchase flood insurance.

"The regulations adopted at the local level are a community's tool to manage any development in a flood hazard zone," Meredith said.

Charles R. Bazzell, flood plain administrator in Montgomery County, said the program typically



*Water at times can be a destructive force and a threat to humans and property.*



generates protests until that first disaster. Nearly a third of the county is positioned in some type of flood-plain area.

"I've even had people call me up after floods and say, 'Thank you,' for the flood insurance program," Bazzell said. "The program is sometimes hard for people to digest, but in the long run its

keeps the cost of insurance down."

OWR is scheduled to complete its statewide mapping process by 2010. The maps will be amended as land areas change, Meredith said.

"The goal of this program is simple: Save lives and property," Meredith said.

## GIS Program Helps Alabama Map Out Its Future

In law enforcement, they call it a composite drawing. Victims provide an artist with details of facial features. In time, the artist is able to complete an often accurate drawing of a suspect that many times results in a capture of a criminal.

They don't hunt criminals in OWR's

Geographic Information System, but they do use technical data and geological features that when combined can add up to jobs, safer communities and strategic plans to make Alabama communities stronger.

"GIS is taking computer graphics and attaching data to it to come up with a lot of questions to help you in coming up with solutions," said Philip Henderson, GIS program manager.

When Kia announced they were building an automobile plant just across the Alabama state line, GIS immediately detailing a map with concentric circles detailing likely areas for tier one, two and three suppliers for the plants and listing available industrial parks, major roads and employment figures. The map helped arm city, county and state with the necessary information to sway suppliers to build plants in Alabama.

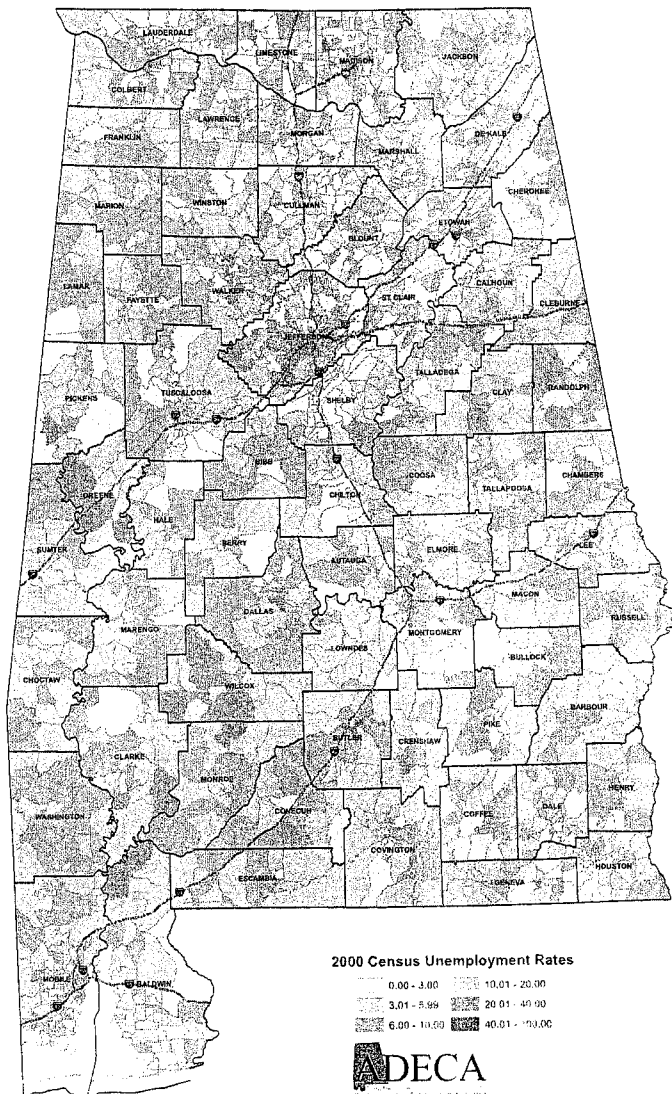
The GIS program has provided data to a number of state agencies outside ADECA and has also assisted the federal government, particularly the Federal Emergency Management Agency, in identifying flood areas and providing physical data on updated flood zones.

GIS data has also helped public safety offices and highway planners determine congested traffic routes, especially during special events like football games and other high-traffic events, and map out solutions.

Mapped data of the same area can also show some startling contrasts over a period of time. Using color-coded maps, analyzers were able to situate two maps side by side and see a remarkable drop in unemployment rates in the state within a six-year period.

"You make it as simple or complicated as you want it to be," said Henderson. "The maps give a face to the data."

**2000 Census Unemployment Rates  
by Block Groups**





## Energy, Weatherization and Technology

### MISSION

To increase energy efficiency, reduce energy consumption, encourage and promote market acceptance of energy efficiency and renewable energy technologies, help limited income households better manage energy bills through education and assistance and encourage access to advanced telecommunication services in rural areas.

### Programs Administered

- Telecommunications Technology assistance Program
- Weatherization Assistance Program (WAP)
- Energy Emergency and Assurance Program
- State Building Energy Efficiency Program
- Local Government Energy Loan Program
- Agriculture Energy Efficiency Program
- Alternative Transportation Fuels Program
- Recycling Program
- Biomass Energy Program
- ENERGY STAR® Program
- State Energy Program
- Building Energy Codes Program
- Energy-Efficient Homes Program
- Energy Education Program
- Low Income Home Energy Assistance Program (LIHEAP)

### Weatherization Program Gives Residents Long-Term Relief from Energy Bills

Melva Johnson was forced into early retirement when she began experiencing health problems. The \$400-\$600 heating bills for her Birmingham home made it tough to obtain the medication she needed.

"It's hard when you have to choose between medication and heating your home," Johnson said.

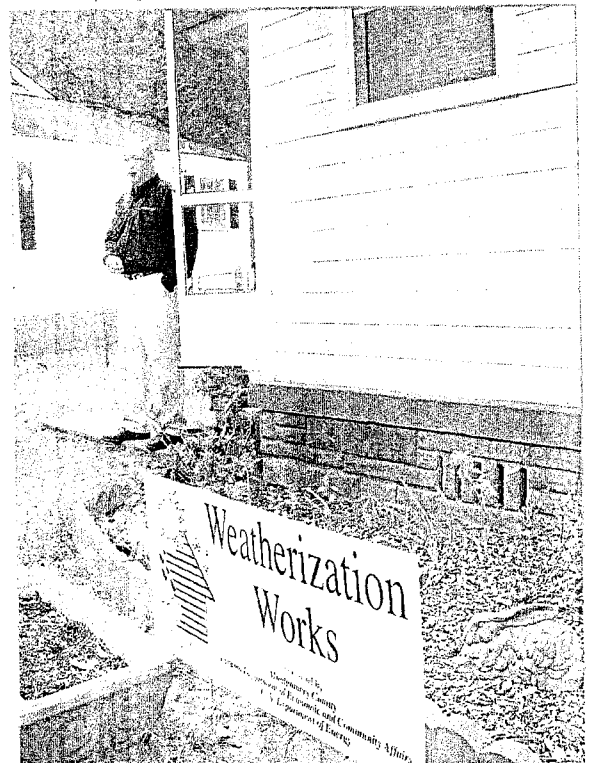
Fortunately, Johnson no longer has to make that choice thanks to assistance she received from the Energy, Weatherization and Technology Division's Weatherization Program. The program, funded through a U.S. Department of Energy grant, lowers energy bills by making houses more energy efficient. Weatherization assistance may include installing insulation, repairing or replacing faulty windows and doors, sealing air leaks and patching small areas of the roof, with an average of \$2,826 spent on each house.

To help Johnson, the Jefferson County Committee for Economic Opportunity, a local Community Action Agency, sent weatherization experts to assess Johnson's home for changes that would increase energy efficiency and make long-term improvements that would save her money on utility bills. The experts plugged air leaks by placing sealant around windows, caulking around doorframes and placing corkboard around the ceiling throughout the house.

As a result of the improvements, Johnson has saved hundreds of dollars on her energy bills. She

uses the savings to pay for her medication and other needs.

"My highest bill has been \$253, and I've been



**ADECA's Weatherization Program helps low-income residents save money on heating and cooling bills by making changes to improve energy efficiency. After a home is weatherized, families experience an average energy use reduction of 20 percent or more, which means hundreds of dollars in savings.**

able to pay that without getting assistance," she said.

For low-income residents, high energy bills during hot summers and cold winters can be an almost impossible financial burden. This burden gets even heavier when energy prices soar, forcing families to cut back on necessities such as food and medicine to pay their energy bills. The changes made by weatherization experts lead to long-term relief from high energy costs. After a home is weatherized, families experience an average energy use reduction of 20 percent or more, which means hundreds of dollars that would have been used on energy bills can be used on other

needs.

ADECA distributes the funds to 16 Community Action Agencies and one county commission to deliver the assistance to those who need it most in the state's 67 counties. From October 2005 to September 2006, the state provided weatherization assistance to 787 households with \$2.8 million. Johnson's home was one of those.

Weatherization assistance is available to households with income of less than 150 percent of the federal poverty guidelines. Priority is given to older residents, people with disabilities and families with young children.

## 'Aquaculture' Gets Boost Through EWT Program

"We are on the cutting edge, and so far it's been successful."

Lee Jackson is in the shrimp business, but he



**ADECA grants have enabled Lee Jackson to keep a watchful eye on the oxygen levels in his shrimp pond.**

doesn't drop his net in the Gulf. He drops it in a pond in Lowndes County.

The Mosses native began farming shrimp in 2001. Jackson's father, who helped develop the area's first water system, discovered an abundance of salt water which Jackson has tapped to harvest thousands of pounds of shrimp over the last five years.

In October 2005, Tuskegee University was awarded an ADECA grant of \$49,666, administered through EWT's Agriculture Energy Efficiency Program, to continue a project that has been largely responsible for Jackson's success. In 2003, the university installed energy-efficient, solar-powered aerators that supply oxygen to the pond. Aeration is critical to the size, quality and health of shrimp and the new aerators generated significant savings

for Jackson's business while ensuring the growth of the best shrimp possible.

The project also included computerized pond monitoring systems that keep oxygen at an optimal level. "It's enabled us to keep shrimp alive and monitor water quality," Jackson said.

Jackson believes this new type of agriculture, or aquaculture, can benefit the entire Black Belt region. He is looking to generate jobs through expansion of his business by adding new ponds and constructing a processing plant. "That means it could have an economic impact," he said. There is also growing interest from struggling catfish farmers to start harvesting shrimp.

Without ADECA's help, Jackson said he would probably still be in business, "but the results would be a lot worse." Instead, Jackson's harvests increase every year, and he can hope for greater economic development for the Black Belt.



**An aeration system along with natural inland salt water reservoirs help make it possible to raise shrimp in places in Alabama other than the Gulf Coast.**

## Surplus Property

### MISSION

To acquire property declared surplus by state agencies and the United States government and redistribute it fairly and equitably for use by local governments and eligible Alabama organizations.

#### Programs Administered

- State and Federal Property Collection
- Public Auctions
- Transfers to Governments, Non-profits

## Communities Count on Surplus Property When Times get Tough

Throughout the year, Surplus Property acquires property no longer needed by state agencies and the United States government. The property is transferred to Alabama local governments and eligible non-profit organizations.

As part of its mission to redistribute property equitably, the division has helped local governments and agencies in south Alabama acquire equipment to replace items damaged or destroyed by Hurricane Katrina.

"During the past year we have concentrated on Hurricane Katrina relief efforts in Bayou La Batre and other Alabama coastal areas," said Shane Bailey, Surplus Property director. "The total for just the relief efforts has been close to \$6 million. With the assistance from numerous Department of Defense agencies, we transferred cranes, bulldozers, dump trucks, generators, scoop loaders and many other items to local governments across south Alabama so they can continue providing vital services and begin repairs to boost the quality of life in their communities."

Through Surplus Property, Bayou La Batre obtained equipment to help the city and its residents recover as they picked up the pieces in Katrina's aftermath. The equipment was desperately needed by the city after most of their equipment was destroyed during the storm.

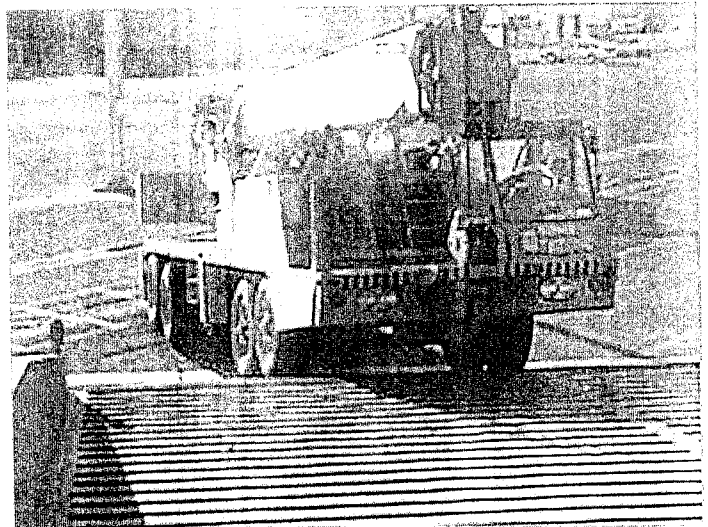
"Our equipment was under water, and we had no money to buy new equipment for the city," Bayou La Batre Mayor Stan Wright said. "We are still using the police cars, bulldozers and

front-end loaders we got from Surplus. We have really been blessed and are very appreciative."

To continue providing the best service to its customers and keep updated on sales and innovative ways to save taxpayer dollars through the purchase of state and federal unneeded equipment, Surplus Property employees have attended numerous conventions and training seminars not only in Alabama but also across the United States.

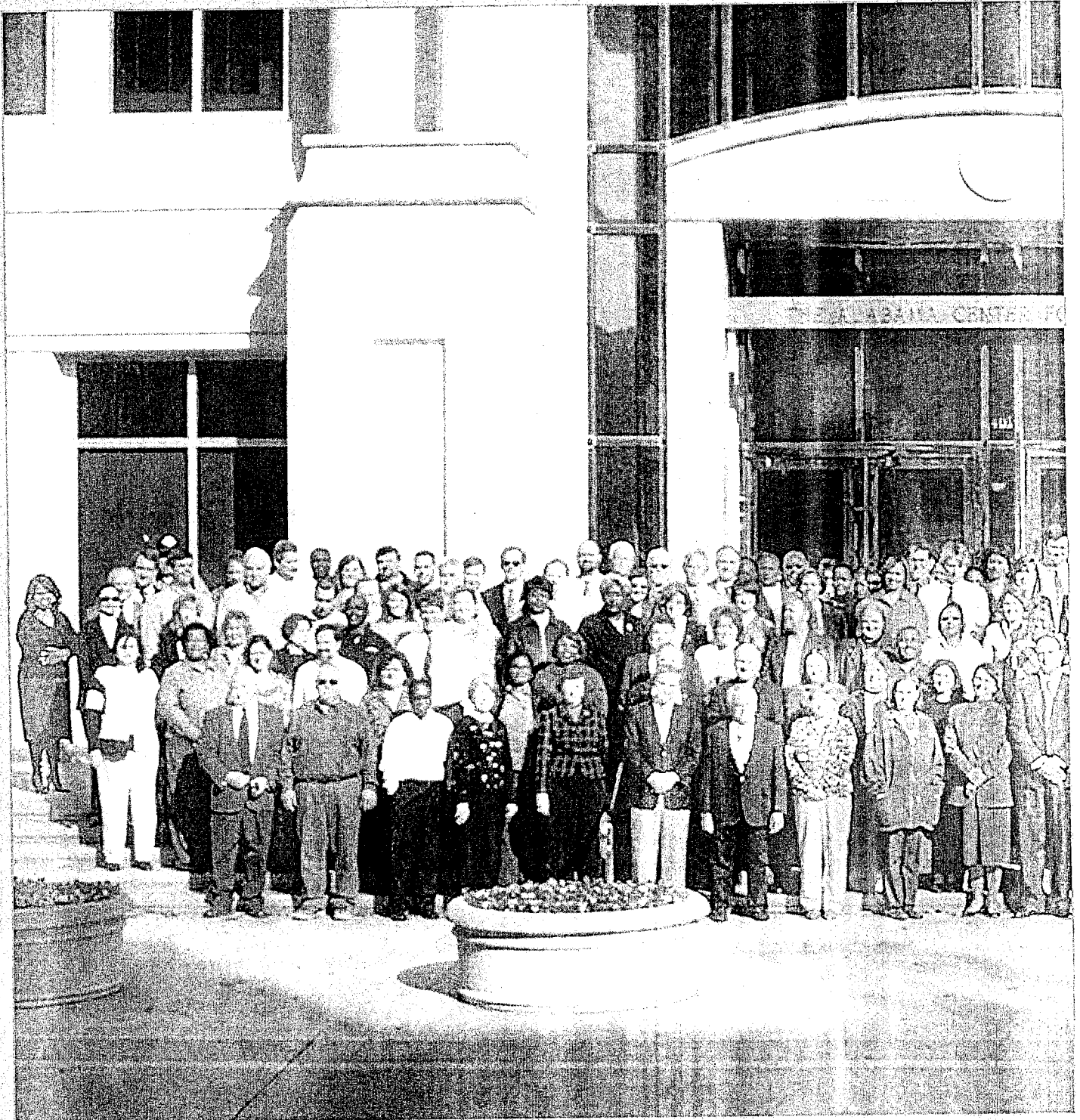
During the past fiscal year, the division also has taken steps to inform eligible organizations of the advantages of purchasing surplus property.

"We continue to promote Surplus Property programs throughout Alabama," Bailey said, "to make sure that those who might need our assistance know how to take advantage of what we have to offer."



*In 2006, Surplus Property helped communities in south Alabama obtain much-needed equipment, including this 60-ton crane, to help recover and rebuild after Hurricane Katrina.*





Alabama Department of Economic





and Community Affairs Staff

## Program Integrity

### MISSION

To safeguard public funds administered by the Alabama Department of Economic and Community Affairs through technical assistance, on-site compliance reviews and project inspections to ensure that all intended services are delivered.

## Program Integrity Helps Non-profit Gain Better Financial Footing

ADECA awards grant funds to various organizations with an expectation that they will improve the lives of Alabamians by providing services in the manner described in their grant applications. The Program Integrity Unit helps ensure that grantees are following state and federal laws, rules and regulations and looks into complaints that grantees are not following rules and regulations in their grant contracts.

Recently, the unit worked with ADECA's Audit Section to train the financial staff of a non-profit organization that had problems with financial management.

"They wanted to resolve their problems, and they sent a letter to the ADECA director requesting our

help," said Paula Murphy, Program Integrity manager.

The training focused on proper procurement procedures so the staff could learn how to make the most of their grant funds by getting the best price for needed goods and services. As a result, the non-profit now is able to provide more cost-effective services to its clients.

Program Integrity also has hired an engineer to review cost estimates, construction plans and specifications for local governments who are awarded grants for community improvements. The engineer will help governments make the most of their grant funds by preventing overpricing and making sure they get a fair deal.

## Audit

### MISSION

To provide financial monitoring through reviews or special audits of ADECA grant recipients, provide technical assistance and training to ADECA program managers and grantees and conduct internal reviews of operations, processes and systems to enhance efficiency and effectiveness and verify compliance.

## Audit Section Helps Cast Net of Hope for Shrimpers

Shrimping is a family business, passed down from generation to generation, and for many in the family it is all they know. So when disasters like Hurricanes Ivan and Katrina strike, the results can be devastating.

"Storms and other issues had put a lot of them out of business," said Wendy Spivey, ADECA's audit manager.

To help Gulf Coast shrimpers stay in operation, ADECA is administering \$825,780 in disaster-relief funds. Spivey has been involved since day one to ensure things are done right and delivery of funds is not delayed.

Shrimpers, processors and boat owners formed the Eat Alabama Wild Shrimp Committee which is

using the grant funds to keep shrimpers afloat through financial assistance and a marketing campaign aimed at convincing consumers to eat more Alabama shrimp. To keep the money coming, the committee must follow the rules.

"They had to operate differently than they were operating as a for-profit entity" because of federal regulations, Spivey said.

With Audit's help, the committee is going strong and was a sponsor of the National Shrimp Festival in October 2006.

In addition to training and monitoring grantees, the audit staff also reviews internal ADECA operations to boost efficiency and effectiveness.



## Law Enforcement and Traffic Safety

### MISSION

To increase safety and quality of life by encouraging professional planning and innovative programs for Alabama's criminal justice system, addressing traffic safety problems, assisting child and domestic abuse victims, supporting drug/violent crime prevention programs and programs to prevent juvenile crime.

### Programs Administered

- Family Violence and Victims' Programs
- Corrections
- Highway Traffic Safety
- Safe and Drug-Free Schools and Communities
- Juvenile Justice
- Law Enforcement Programs

## StrongGirls

### Sets Juvenile Offender on Path to Brighter Future

Youth who commit violent, criminal offenses and find themselves in juvenile court face an important choice: continue destructive behaviors that lead to unproductive lives of crime, or avoid drugs and violence and set goals for a brighter future.

Through Juvenile Justice Formula grants, ADECA's Law Enforcement and Traffic Safety Division supports community-based programs that help juveniles make the right choice.

One juvenile who was able to improve her life with the assistance of an ADECA-funded program is Tameka from Jefferson County.

Tameka's grades were better than average, but her chances of finishing high school were slim since she had just been suspended for fighting for the third time.

Tameka's mom was stressed and tired after work and school. It didn't take much to set her off, and the call from Tameka's school about the suspension was the final straw. Tameka had barely walked in the door when she felt the sting of her mom's hand across her face. Being the kind of girl who "didn't take anything from anybody," Tameka slapped her mother back. Tameka's grandmother witnessed the scene and called the police.

Juvenile court mandated that Tameka attend StrongGirls, a 16-session program for girls age 14-17 in Jefferson County who have displayed problem behaviors. Meeting twice a week, the girls learn trust, self-respect and accountability through games, group therapy and creative arts. Poetry, visual art,

drum circles and dance lessons are some of the arts used to help participants build confidence, self-esteem and find enjoyable positive activities. Parents attend eight separate sessions where they learn skills to improve their parenting, including communication and setting limits.

"The girls' world tends to be narrow. The only thing they know is the neighborhood and school," program director Eve Laxer said. "We try to show them that there is much more than that out there."

Tameka's mother expressed disgust about having to attend parent sessions and Tameka modeled her mom's attitude at first. Then something changed: Tameka discovered she was looking forward to the sessions.

Tameka liked the art projects and absorbed every drop of praise for her artwork and willingness to try new things. She also caught on quickly to the dance steps practiced at each session.

Still, Tameka was quieter during group therapy. She did not put her trust in other girls, so it was new to her to hear girls with some of the same problems share their struggles. When Tameka began to talk it was clear that her tough-girl anger was a cover for a young girl longing for someone who really cared.

"The girls are very defensive at first, and pretty separated," Laxer said. "But about halfway through in therapy they open up and learn to trust the other girls."

To address Tameka's mother's resistance to the program, staff members asked a parent of a girl who



*A participant in the StrongGirls program paints a canvas during a session.*



had gone through StrongGirls to speak with her about the program's benefits. The dialog proved to be a turning point in the mother-daughter relationship.

Although her mother arrived late for the StrongGirls dance performance and graduation, Tameka caught a glimpse of tears in her eyes when Tameka received her graduation certificate. This was the first time in many years that Tameka had finished something successfully. Soon after, she was accepted into a local dance troupe. Her mother takes her to dance practice two nights a week and stays to watch. Tameka returned to school and has had no additional suspensions.

"We want to leave participants feeling better

about themselves (when they finish the program)," Laxer said. "We also try to hook them up with positive extracurricular activities like dance or the school band."

The program benefits everyone in the community by helping juveniles become productive citizens.

"Hopefully, after they leave us, the participants are graduating high school and becoming productive adults," Laxer said.

StrongGirls received a grant of \$40,057 from LETS in fiscal year 2006 to pay part of staff salaries and purchase art supplies and equipment.

"The grant funds are crucial to our program" Laxer said. "We are so grateful because it allows us to continue functioning."

## Thousands of Miles Away from Home, Domestic Violence Victim Reaches a 'Turning Point'

Rana was a long way from her home country, abused and alone.

She met her husband James in Qatar, where both worked on a U.S. military base. Because Rana's family would not approve, she began seeing him secretly and within a month, James proposed to marry and bring her to the United States. Rana's family threatened violence making it impossible for her to return to Qatar. After the wedding she moved to Tuscaloosa to live with James and his mother.

After about a month, James began to change, first becoming verbally and mentally abusive to Rana, then physically and sexually abusive. James threatened her with deportation if she didn't follow his rules, demanded she stay in the house while he was at work and had his mother report Rana's actions to him. She soon discovered that her husband also was unfaithful. Unfamiliar with U.S. laws that offered protections to domestic violence victims, she was afraid to call the police.

James decided to take a job in Iraq, telling Rana she must find a place to live and take care of herself while he was away. After he left, Rana reported his abuse. The police recommended that she contact Turning Point, a Tuscaloosa-based program that assists victims of domestic violence in six west Alabama counties and sexual assault victims in nine counties.

Turning Point provides a 24-hour crisis hotline, a six-bedroom emergency shelter, counseling programs,

support groups and advocates to help victims understand their rights and provide legal assistance.

This assistance was a literal turning point in Rana's life. Court advocate Michele Snyder and legal services attorney Aimee Pittman told Rana about Violence Against Women Act protections that allow immigrant wives of U.S. citizens to petition for a special visa if they are domestic violence victims.

"Michele and Aimee worked with Rana on a self-petition that would offer her an opportunity to stay in the United States and be able to pursue a divorce from her abusive husband," said Paige Miller, Turning Point's executive director.

Rana received the free, professional assistance she needed to end her abusive marriage and give her hope for a brighter future in the United States. She is now working, "living on her own and free from violence," Miller said.

In fiscal year 2006, the organization received \$143,431 from the Law Enforcement and Traffic Safety Division to support its free services to domestic violence victims. A grant awarded by ADECA helped fund the

salaries of both Snyder and Pittman.

Through the Victims of Crime Assistance and STOP Violence Against Women grant programs, LETS supports organizations throughout the state that help thousands of abuse victims per year. The grants help fund important free services that otherwise would not be accessible to most victims.



**Attorney Aimee Pittman, left, and victim's advocate Michele Snyder helped a domestic violence victim through Turning Point.**

## Appalachian Regional Commission

### MISSION

To create opportunities for self-sustaining economic development and improved quality of life in Appalachia by increasing job opportunities and per capita income, strengthening the capacity of the people of Appalachia to compete in the global economy, improving Appalachia's infrastructure and building the Appalachian Development Highway System to reduce Appalachia's isolation.

### Programs Administered

- Appalachian Regional Development
- Appalachian Area Development
- Appalachian Research, Technical Assistance and Demonstration Projects

### ARC Helps 'WRATT' Out Energy Waste

When the city of Lanett was searching for ways to reduce its energy costs, it turned to the Waste Reduction and Technology Transfer Foundation and the Appalachian Regional Commission.

WRATT is a non-profit group of retired scientists, engineers and professionals committed to helping public and private organizations conserve energy, reduce waste and protect the environment. WRATT was granted \$50,000 in ARC funds in fiscal year 2006 to send out its volunteers to provide free technical consultation services and conduct seminars and educational programs for 26 municipal governments. The city of Lanett was one of them.

"They pointed out some things we saw

but had taken for granted," said Jerry Thrower, Lanett's city inspector.

Thrower said the city was already making plans to upgrade some of their systems when WRATT came in and spotlighted some areas that were overlooked. He said the city has implemented 65 to 75 percent of WRATT's recommendations and there is already a noticeable difference.

"Our HVAC (air conditioning unit) is operating more efficiently and we are not having near the problems we had with it," Thrower said.

He said the city has installed new energy-saving computers, replaced inefficient lighting and cut down on water usage by fixing leaky faucets.

Thanks to ARC, 25 other Alabama cities and towns were afforded the opportunity to save energy and reduce their utility bills.

Since 1990, with funding support from ARC and other sources, WRATT has conducted more than 1,300 energy assessments, nearly half of which were for schools. Their recommendations have resulted in savings of more than \$10 million annually on energy bills for taxpayers and businesses.

Created by Congress in 1965, the Appalachian Regional Commission is a partnership of federal, state and local governments dedicated to promoting economic growth and improving the quality of life in a 13-state region along the Appalachian Mountains. In Alabama, ARC grants coordinated by ADECA help raise the standard of living in 37 counties.



*WRATT engineers inspect air conditioning units at a municipal city hall.*



## Governor's Resources and Economic Assistance Programs

### MISSION

To enhance local economic and community development activities by promoting economic development incentives with an emphasis on small and minority-owned businesses and providing resources for effective planning and implementation.

### Programs Administered

- Renewal Communities
- Gulf Opportunity Zone Credit Program
- Community and Economic Development Technical Assistance
- Alabama Enterprise Zones
- Delta Regional Authority
- Minority Business Enterprises
- Enterprise Communities

## Grant Helps Historic Quilting Bee Get Back in Business After Hurricane

The Freedom Quilting Bee has a lot of history. Formed near Gee's Bend in Wilcox County, the bee has employed women to make colorful quilts and other handmade items from Alabama's rural Black Belt to sell throughout the United States since 1966.

The bee began during the civil rights movement when several women came together to earn supplemental income by creating quilts using patterns passed down to them from their mothers and grandmothers. The quilts were sold at stores in the eastern United States and displayed at the Smithsonian Institution, gaining national acclaim for their creative and colorful designs. In 1977, the Legislature designated the bee's Pine Burr Quilt as Alabama's state quilt.

The historic bee almost became history in the early 2000s. The number of quilters declined as the

original members of the bee got older and became unable to continue quilting and fewer younger women developed an interest in quilt making. The final straw almost came in 2004 when Hurricane Ivan severely damaged the roof of the building in Alberta that the bee had used since its start to make their handmade items.

"We were using the building before the hurricane but struggling," said Rennie Miller, president

of the bee. "After the damage we stopped the work."

Miller said that although the work stopped because the quilters no longer had a building in which to make their creations, she believed the bee would find a way to continue.

"We closed down to reassess our situation," she said. "We never gave up hope."

Their hope for a better future became a reality with a \$50,000 Delta Regional Authority

grant awarded in January 2006. The DRA program in Alabama is overseen by ADECA's newly formed Governor's Resources and Economic Assistance Programs office. REAP helps local officials find state and federal resources and assistance for economic and community development in their communities. The grant is funding construction of a new roof for the



*Quilters from the Freedom Quilting Bee work on a quilt during demonstration at the Folk Life Festival in October 2006. The festival was held at the Black Belt Treasures store in Camden.*

quilting bee facility.

"This grant means everything," Miller said. "Without that grant we could not continue. Now, we know something will be done, and we'll get our building back in shape."

Once the building is repaired in early 2007, Miller said the bee will employ six women to make quilts and other handmade items, preserving a piece of Alabama history while creating jobs for



**Hurricane Ivan severely damaged the Freedom Quilting Bee's building in 2004, but a grant from the Delta Regional Authority awarded in 2006 is funding repairs so the quilters can get back to work.**

the women to support their families. The quilts will be sold through mail order and Black Belt Treasures, a store in Camden that sells items made by artists in Alabama's Black Belt counties.

The bee will hold demonstrations and

instructional sessions in the building to draw visitors interested in learning more about the art of quilting. Miller said the resumed operation of the Gee's Bend ferry will help lure tourists to the building.

"Tourists can see the quilts being made and someone will explain how to make them," Miller said.

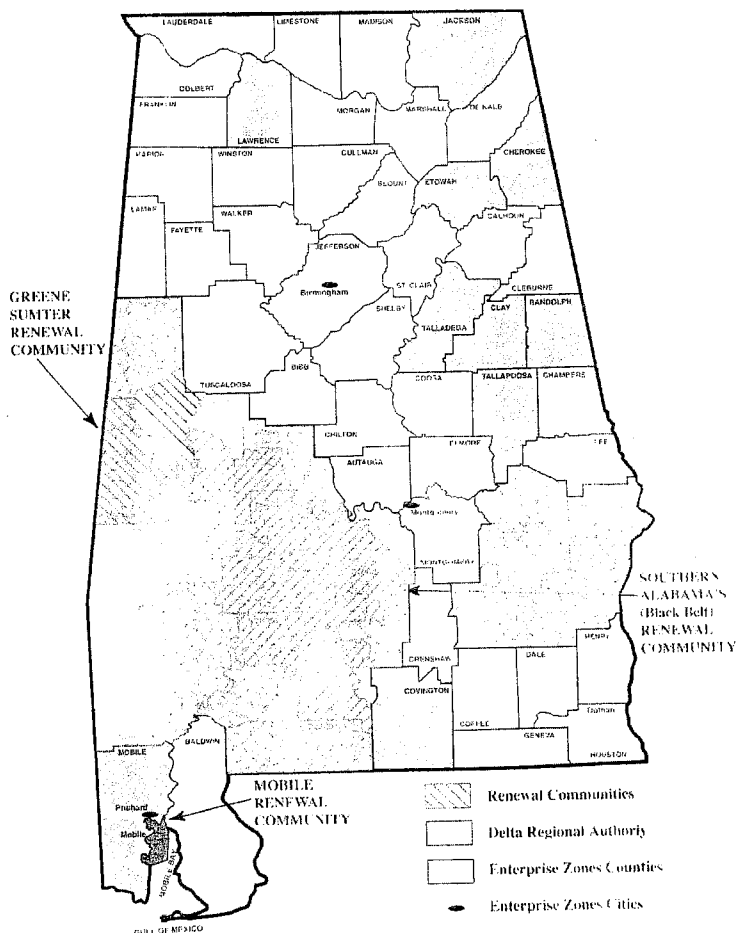
To spur interest in quilt making among the younger generation, the bee will offer an after-school program at the facility. Participants will learn all aspects of the art so they can continue the long tradition of quilt making in Wilcox County.

Once the bee is up and running in the repaired building, Miller anticipates that increased interest and demand for the handmade items will allow the bee to employ more quilters.

By funding the roof repairs, the DRA is helping economic development in Wilcox County by creating new jobs and providing a destination to draw tourists interested in the art of quilt making and the history of the bee to the area.

The DRA was created by Congress in 2000 to promote economic development, improve education

**Governor's Resources and Economic Assistance Programs Areas**



**Freedom Quilting Bee president Rennie Miller said the bee plans to employ six women to make handmade items once building repairs are finished.**

and enhance the quality of life in eight states. The Authority serves 20 Alabama counties, including Wilcox County, classified as "distressed" because of a number of factors including unemployment rates higher than the national average, a significant population loss or the closing of a major business or industry.

## Recreational Programs

### MISSION

To generate outdoor recreation opportunities, to strengthen the health and vitality of Alabama's population, and foster sound planning and investment strategies to protect, expand and ensure the quality of outdoor recreation.

### Programs Administered

• Land & Water Conservation Fund

• Recreational Trail Program

## Recreational Trail, Land and Water Conservation Funds Enhance Outdoor Activities Throughout Alabama

For years ADECA has been encouraging Alabamians to enjoy the outdoors through its Recreational Trails and Land and Water Conservation Fund grants.

In addition to promoting healthy lifestyles, projects funded by the grants serve to enhance communities, attract tourists and encourage family, community and area activities. Trail and park grants benefit urban and rural communities throughout Alabama.

A \$44,584 Recreational Trail grant for the Dothan Area Botanical Gardens opened a new world for many people.

The grant not only was used to renovate a nearly mile-long trail through the gardens and to control erosion, it also resulted in making the gardens accessible for people using walkers and wheelchairs.

Evelyn Isbell, one of the pioneers of the garden, said lack of a handicapped-accessible trail prevented many people from observing all of the gardens.

"It is such a wonderful place, but if you are in a wheelchair or on a walker like me you couldn't see the entire gardens," Isbell said.

Paul Angeloff, director of the gardens, said the improvements in the 50-acre gardens have had positive effects, including increasing attendance.

"Everybody has just marveled at the results," said Angeloff. "We have never had the traffic like we have had this year."

The gardens were established in the 1990s and rely heavily on volunteers and contributions from individuals and businesses. The gardens attract people throughout southern Alabama, southwest Georgia and the Florida Panhandle. In addition to flower enthusiasts, visitors include school and scouting groups.

In the Cullman County town of Colony, a \$60,765 LWCF grant has had some similar benefits.

While some of the grant was used to upgrade existing playground equipment, much of the funding was spent to build a water feature or "sprayground."

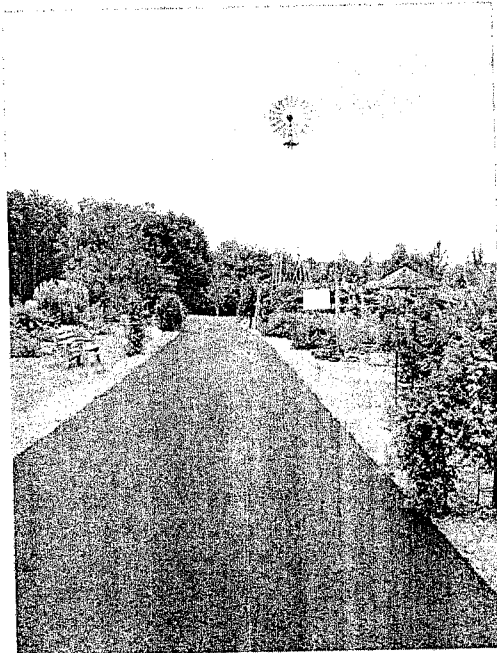
The sprayground shoots water in a variety of methods and allows children to get wet. It is cheaper to maintain than a swimming pool.

"It has been really a big thing for us. People are just amazed by it," Mayor Earlene Johnson said of the attraction. "It is ideal for a rural community like Colony. It is a wonderful water feature that doesn't bring with it the liability of a swimming pool."

Mayor Johnson said the water feature which is at Vivian B. Allen Park is one

of the few recreational opportunities offered to children in the community. In addition to attracting locals, it has also brought in people from nearby towns, Mayor Johnson said.

The sprayground is open from May until September and on special occasions when weather permits.



**A Recreational Trail grant has helped the Dothan Botanical Gardens to become more accessible.**



## Legal Section

### MISSION

To provide advice, risk management, litigation and other legal services to the Alabama Department of Economic and Community Affairs.

Programs Administered  
• Legal • General Services

## Legal Section Ensures Accountability in ADECA Matters

Nearly every formal document that is released through ADECA makes its way through the Legal Section.

Eddie Davis, who heads the section, said staff attorneys review all contracts and grants issued by the department to ensure legal accountability.

Staff members also closely follow proposed legislative bills and possible effects on ADECA divisions and employees. The section also ensures that ADECA divisions are familiar with new or amended laws.

Attorneys work individually with divisions to provide legal guidance in a variety of matters ranging from formulating documents to interpreting technical issues.

The Legal Section represents ADECA in litigation and court-related matters.

The staff also works with the personnel section to ensure that matters involving ADECA employees are conducted according to policies and procedures.

"The greatest compliment to our office would be that no one knew that we existed," said Davis. "That would mean we are quietly going about our duties and all is well with our department."

General Services, which falls under the Legal Section, handles the department's mail and parcels, interoffice correspondence and oversees distribution of office supplies for ADECA.

## Human Resources

### MISSION

To effectively administer ADECA's personnel needs and use all available resources to provide current and potential employees with the highest quality of personnel-related services.

## Human Resources Helps ADECA Hire Qualified Workforce

With a staff of more than 200, ADECA administers dozens of programs and support services that help improve the lives of individuals throughout the state. The Human Resources section helps the department maintain the competent, well-qualified staff needed to manage the programs effectively.

To assist ADECA's divisions in the hiring process, Human Resources obtains registers of qualified applicants for specific positions from the state Personnel Department. The section maintains contact with applicants throughout the hiring process and extends the job offer once a director or manager has chosen the applicant best capable of performing the job.

"We help move the process along," said Ramona Carroll, personnel manager.

As ADECA's responsibilities change or expand it is sometimes necessary to establish new positions. In 2006, when the Office of Water Resources needed to hire two new employees, Human Resources worked with OWR to determine the duties as well as the skills and experience needed to be successful in the new positions. HR determined that the Geological Information Systems Specialist classification in the state merit system closely matched the new duties, and the section began working with the state Personnel Department to establish and fill the positions. By carefully matching duties with a classification, the Human Resources section ensures that the most-qualified applicants available will be considered for new jobs.



## Information Services

### MISSION

To provide information technology and telecommunications services and support to ADECA and its stakeholders.

#### Programs Administered

- PC Support
- Operations
- Telecommunications
- Programming

## Information Services Pitches In to Help Displaced Workers Return to the Workforce

If an ADECA employee runs into technology problems, Information Services is there to help. IS provides equipment and know-how to support and link ADECA's wide-ranging programs, projects and services. But it's not just ADECA employees that benefit from the expertise of the IS staff.

In May 2006, Avondale Mills announced it would shut down operations, leaving more than 1,000 workers in Talladega and St. Clair counties without jobs. In the city of Talladega, displaced workers could go to the One-Stop Career Center to get help finding a new job, but in Sylacauga no such help was available.

To save workers a trip and get them back working as soon as possible, the Talladega center opened a satellite office in Sylacauga. That's when IS was called in.

"They were thankful they didn't have to make the commute to Talladega," said David Waters who, with other IS technicians, spent three days in Sylacauga setting up 22 computers for job seekers and six more for career center staff. The computers are invaluable tools that help workers create a resume, search for job openings, apply for jobs and receive e-mails that notify them of openings that match their skills.

Waters said the services provided at the career center actually have far-reaching effects. "You give (workers) the chance to upgrade their skills," he said.

"That's a big victory for the entire state."

Gwen Taylor of the Career Center agreed. "Some of the workers don't have computers at home," she said. "The computers installed by ADECA have been very helpful."

Taylor said more than 1,000 job seekers took advantage of the center's services in its first two months of operation. One of those was Carl Hathcock.

Hathcock worked for Avondale for 29 years. When the news came that the company was shutting down, he was stunned.

"It's the only place I have ever worked," Hathcock said.

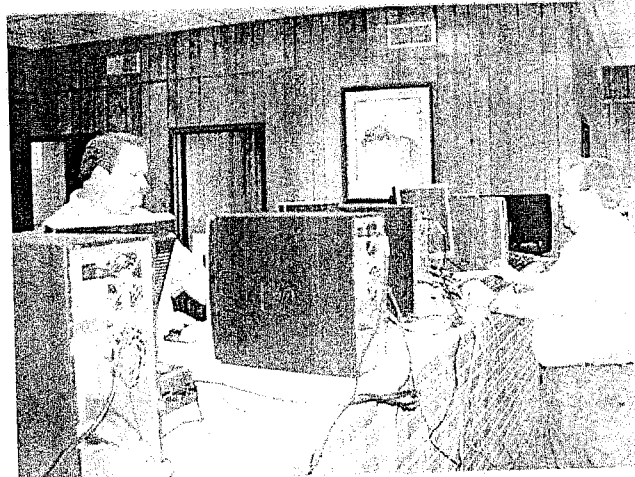
Not only was Hathcock suddenly forced to look

for a new job, he quickly realized he would need a new set of skills to find something as soon as possible. The biggest obstacle to developing those new skills was the burden of having to travel to Talladega to get help. The opening of the Sylacauga career center was a relief.

"With gas prices the way they are and how working, that made a difference to me,"

said Hathcock. "It's been a big help."

Thanks to the computers that were installed by ADECA's Information Services staff, Hathcock was able to study for, take and pass the exam for his commercial driver's license. With his new skills, he is ready to re-enter the workforce and start the next phase of his career.



Roy Jones, left, and David Waters of ADECA's Information Services staff install computers in Sylacauga.

## Financial Services

### MISSION

To provide administrative support functions including financial management, purchasing, payroll and property management in an accountable and timely manner to meet the needs of ADECA and the citizens of Alabama.

Programs Administered  
 • Fiscal Section • Payroll  
 • Property Management

### Training Presentation Helps Grantees Avoid Funding Delays

When residents served by ADECA grantees ask for help, chances are they need it right away. Financial Services works with grantees to make sure ADECA funds are used properly so the vital help they provide to Alabamians can be delivered in a timely manner.

An ADECA grant doesn't mean a blank check for the organizations awarded the funds. When applying for grants, organizations must submit budgets detailing how the funds will be used. A mistake or request for something not included in the budget leads to a delay in funds while the request is sent back to the grantee for correction.

To help grantees avoid these mistakes so they can concentrate on providing services that help Alabamians, Financial Services participates in periodic training sessions hosted by ADECA's divisions.

"These training sessions help grantees head off problems," said lead accountant William Waldroff, who participates in sessions for recipients of grants from the Law Enforcement and Traffic Safety Division.

The presentation includes an overview of the financial side of a grant and the procedures ADECA follows to ensure compliance with state and federal regulations. Grantees are shown how to prepare complete, accurate budgets and requests for reimbursement from grant funds. Waldroff also answers questions about grantees' specific situations.

"The presentation helps them understand how to comply and what to submit to ADECA," Waldroff said.

After a training session, Waldroff offers follow-up assistance to any organization needing help. On request, he also sends electronic files of frequently used forms, such as budget revisions, to grantees for their convenience. The forms are standardized and based in Microsoft Excel to reduce the chance of an error that could lead to a delay while the grantee corrects it.

The information presented and follow-up assistance offered by Financial Services has helped several LETS grantees.

"Some of the non-profit programs don't have a lot of reserve funds, so any delay in grant funds can affect them," Waldroff said. "I've had numerous organizations tell me they really have benefited from the information and improved their financial compliance."

Such improvements mean that organizations will receive funding more quickly for the wide range of vital services they provide for Alabamians every day.



*Attendees listen to a speaker from ADECA during an informational session for grantees at the Alabama Center for Commerce. A Financial Services representative often presents information in training sessions to help grantees maintain compliance and avoid funding delays.*



## Communications and Information

### MISSION

To foster ADECA's mission of Building Better Alabama Communities by informing and educating the public, providing support to all of ADECA's divisions and encouraging participation in community service projects.

#### Programs Administered

- Public Information
- Census Bureau Liaison
- Charitable Campaigns
- Graphic Arts
- Legislation

## CID Announces ADECA's Helpful Grants and Programs

ADECA's grants are important news for citizens and communities across the state because they enrich lives through infrastructure improvement and expansion, economic development, job creation and career advancement, traffic safety, energy conservation and dozens of other ways. Making sure that residents are informed about grants and programs that impact their area is the objective of the Communications and Information Division.

Through print, broadcast and online media, CID works to inform Alabamians of services from which they may benefit. One of those programs is weatherization.

In September 2006, ADECA awarded \$40,413 to make improvements to homes in Montgomery County. Improvements include adding insulation, replacing or repairing windows and doors, sealing air leaks and patching holes in roofs. With winter

fast approaching, the Central Alabama Regional Planning and Development Commission needed to get the word out that this service was available to residents whose homes were not ready for the cold.

Donny Barber, the commission's weatherization coordinator, enlisted CID's help to publicize a demonstration of the benefits of weatherization in hopes that residents would send in more applications for the service. An eligible Montgomery resident volunteered her home for inspection and improvement and local officials were on hand to witness the effectiveness of the program.

The efforts of CID staff ensured the presence of local media representatives at the event and the next day Barber got the response he was looking for.

"We were flooded with calls from the time we stepped in the office," Barber said.

## Education is also a CID Goal

CID doesn't just announce grants; the division conducts public education efforts as well.

Rising energy costs are a concern for everyone. Increasing gas prices and utility bills take money out of people's pockets and inefficient homes and appliances contribute to environmental problems.

ADECA's Energy, Weatherization and Technology Division wanted Alabamians to know that they can save money and help protect the environment by using energy-efficient building practices and by looking for the ENERGY STAR® label on lighting and appliances. They approached CID with the challenge.

"CID's job was to find an affordable way to get the word out," said CID Director Larry Childers.

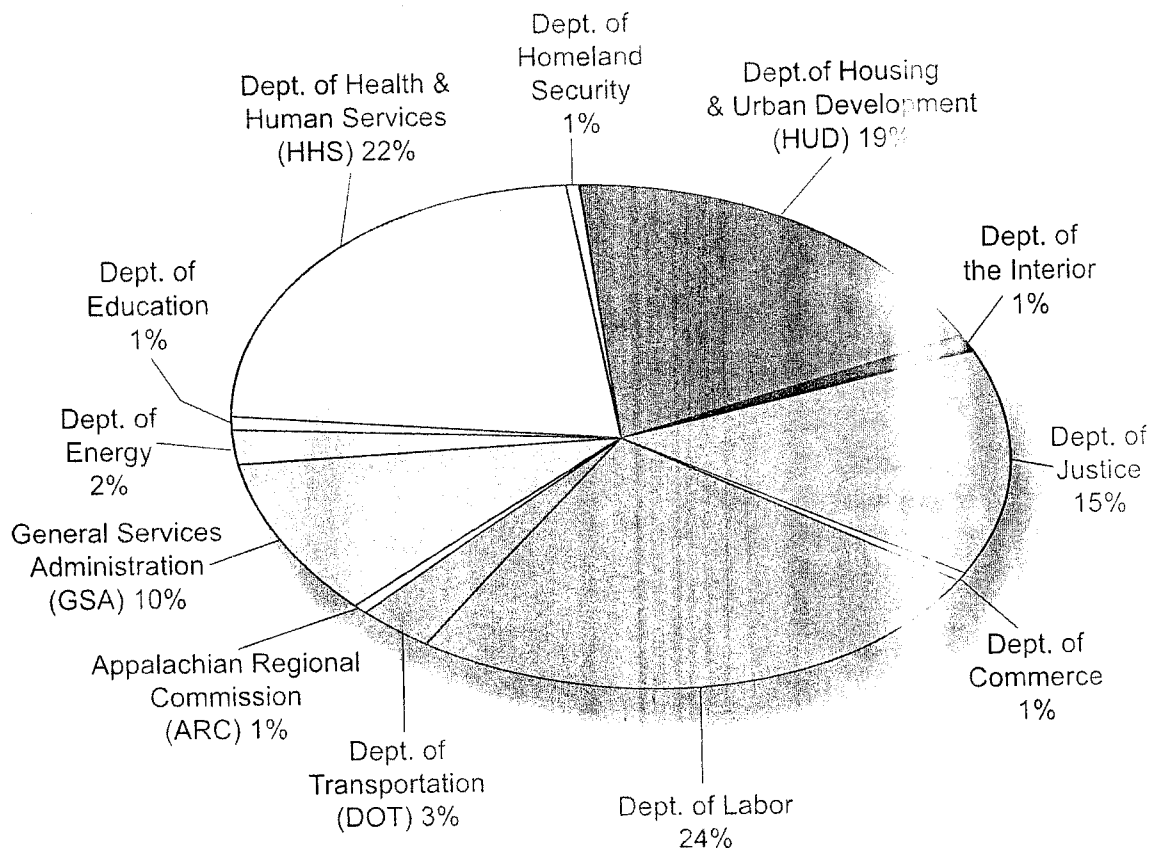
Working with EWT and a local newspaper,

CID arranged for a comprehensive four-page tabloid to be printed that focused on the ENERGY STAR® program and ways home builders and buyers can save energy and money.

"We needed to convey more information than could be included in a typical newspaper ad or broadcast commercial," said Childers. A newspaper insert proved to be the most effective way to get the word out and stay within the U.S. Department of Energy funds budgeted for the project.

The tabloid was distributed to more than 200,000 households in Birmingham, Mobile and Montgomery informing a large segment of homeowners about the benefits of ENERGY STAR® materials and appliances.

## Alabama Department of Economic and Community Affairs Federal Funding Sources FY 2006



## Alabama Department of Economic and Community Affairs 2005-2006 Federal Receipts and Disbursements

Federal Grantor / Program Title	Receipts	Disbursements
<b>DEPARTMENT OF COMMERCE</b>		
<b>Economic Development Administration</b>		
Economic Development - Support for Planning Organizations ( New Program)	114,000.00	159,321.63
Economic Adjustment Assistance (New Program)	340,000.00	0.00
<b>National Oceanic and Atmospheric Agency, National Marine Fisheries Service</b>		
Unallied Industry Projects	563,698.34	563,489.34
<b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>		
<b>Community Planning and Development</b>		
Community Development Block Grants/State's Program	32,806,817.85	32,800,590.35
Emergency Shelter Grants Program	1,650,199.03	1,650,132.50
Housing Opportunities for Persons With AIDS	1,383,752.92	1,377,594.27
<b>DEPARTMENT OF THE INTERIOR</b>		
<b>National Park Service</b>		
Outdoor Recreation - Acquisition, Development and Planning	2,190,406.40	2,157,809.88
<b>DEPARTMENT OF JUSTICE</b>		
<b>Office Of Justice Programs (OJP), Bureau of Justice Assistance</b>		
Prisoner Reentry Initiative Demonstration (Offender Reentry)	256,823.62	256,842.10
Edward Byrne Memorial Formula Grant Program	2,012,123.31	2,009,272.58
Violent Offender Incarceration and Truth in Sentencing Incentive Grants	2,703,726.52	2,703,600.56
Local Law Enforcement Block Grants Program	(142.16)	14,999.98
Edward Byrne Memorial Justice Assistance Grant Program	11,932,695.11	3,395,416.34
<b>OJP, Office of Juvenile Justice and Delinquency Prevention (OJJDP)</b>		
Juvenile Accountability Incentive Block Grants	30,615.46	1,633,237.42
Juvenile Justice and Delinquency Prevention - Allocation to the States	1,278,490.97	1,277,141.55
Title V - Delinquency Prevention Program	156,019.35	155,339.85
Part E - State Challenge Activities	9,527.41	9,527.41
Enforcing Underage Drinking Laws Program	416,768.82	416,467.85
<b>OJP, National Institute of Justice</b>		
National Institute of Justice Research, Evaluation, & Dev Project Grants	177,395.43	177,395.26
<b>OJP, Office for Victims of Crime</b>		
Crime Victim Assistance	5,588,337.90	5,584,713.81
<b>Office on Violence Against Women</b>		
Violence Against Women Formula Grants	1,888,726.27	1,879,918.15
Rural Domestic Violence and Child Victimization Enforcement Grant Program	441,335.00	441,335.00
Grants to Encourage Arrest Policies and Enforcement of Protection Orders	439,035.59	439,035.59
<b>OJP, Corrections Program Office</b>		
Residential Substance Abuse Treatment for State Prisoners	1,225,168.14	1,224,875.44
<b>DEPARTMENT OF LABOR</b>		
<b>Employment and Training Administration</b>		
Workforce Investment Act		
Adult Program	12,161,702.49	12,327,921.69
Youth Activities	12,346,917.58	12,167,369.17
Dislocated Workers	20,124,317.83	19,732,620.41
Pilots, Demonstrations, and Research Projects (New Program)	2,104,835.11	2,104,071.93
Work Incentives Grant	389,026.59	388,671.69
Incentive Grants - WIA Section 503	876,580.64	559,894.83

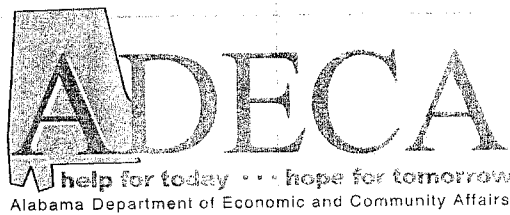


Federal Grantor / Program Title	Receipts	Disbursements
<b>DEPARTMENT OF TRANSPORTATION</b>		
<b>Federal Highway Administration</b>		
Recreational Trails Program	832,598.98	865,026.65
<b>National Highway Traffic Safety Administration</b>		
State and Community Highway Safety	2,342,576.38	2,533,335.83
Occupant Protection	944,231.98	944,231.98
Federal Highway Safety Data Improvements Incentive Grants	548,372.06	545,836.90
Safety Incentive Grants for Use of Seatbelts	275,046.27	275,154.01
Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons	926,846.57	562,198.90
Transportation Demo Grant and Section 2003b Safety Belts	39,753.72	40,808.15
<b>APPALACHIAN REGIONAL COMMISSION</b>		
Appalachian Regional Development	1,805.44	0.00
Appalachian Area Development	822,645.60	822,645.60
Appalachian Research, Technical Assistance and Demonstration Projects	109,380.46	121,488.70
<b>GENERAL SERVICES ADMINISTRATION</b>		
Donation of Federal Surplus Personal Property (NOTE 1)	19,637,607.00	16,041,356.00
<b>DEPARTMENT OF ENERGY</b>		
<b>Office of Energy Efficiency and Renewable Energy</b>		
State Energy Program	553,116.74	547,091.96
Weatherization Assistance for Low-Income Persons	2,704,153.55	2,713,278.93
Regional Biomass Energy Programs (New Program)	1,235.49	1,259.61
Energy Efficiency and Renewable Energy Information		
Dissemination, Outreach, Training and Technical Analysis/Assistance	34,503.89	42,696.84
State Energy Program Special Projects	44,859.07	44,401.31
<b>Other Federal Assistance</b>		
Citronelle	49,196.62	22,009.59
Crude Oil Refund	170,875.13	0.00
Exxon	(33,076.35)	109,024.79
Second Stage	67,355.06	58,352.66
Strip Oil	214,908.13	172,616.62
Texaco	189,174.75	115,387.79
<b>DEPARTMENT OF EDUCATION</b>		
<b>Office of Safe and Drug-Free Schools</b>		
Safe and Drug-Free Schools and Communities - State Grants	1,489,692.33	1,429,862.52
<b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>		
<b>Substance Abuse and Mental Health Services Administration</b>		
Substance Abuse and Mental Health Services Projects	1,310,605.21	1,304,724.75
<b>Administration for Children and Families</b>		
Low-Income Home Energy Assistance	30,057,751.93	30,015,156.33
Community Services Block Grant	11,145,930.39	11,078,683.28
Community Services Block Grant Formula and Discretionary		
Awards - Community Food and Nutrition Programs	73,229.03	73,229.03
Social Services in Empowerment Zones and Enterprise Communities	335,348.61	341,406.37
Family Violence Prevention and Services/Grants for Battered Women's Shelters	1,449,186.85	1,447,985.04
<b>DEPARTMENT OF HOMELAND SECURITY</b>		
Community Assistance Program State Support Services Element (CAP-SSEE)	121,283.45	130,690.26
Cooperating Technical Partners	379,553.21	379,582.21
Map Modernization Management Support	172,304.53	176,448.93
<b>TOTAL FEDERAL ASSISTANCE</b>	<b>193,049,080.17</b>	<b>180,990,010.07</b>

## Get Connected to ADECA Services

---

ADECA .....	334-242-5100
Appalachian Regional Commission (ARC) .....	256-845-3472
Audit .....	334-242-5470
Communications & Information (CID) .....	334-242-5525
Community Development Block Grant (CDBG) .....	334-242-0492
Community Services Block Grant (CSBG) .....	334-353-4023
Energy, Weatherization & Technology (EWT) .....	334-242-5290
Financial Services (FS) .....	334-242-5729
Gov.'s Resources & Economic Assistance Programs (REAP) . . .	334-242-5370
Human Resources .....	334-242-5251
Information Services (IS) .....	334-242-5529
Law Enforcement & Traffic Safety (LETS) .....	334-242-5897
Legal Services .....	334-242-5255
Office of Workforce Development (OWD) .....	334-242-5300
Office of Water Resources (OWR) .....	334-242-4991
Program Integrity .....	334-242-5470
Surplus Property .....	334-277-5866



Bob Riley, Governor